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LEGISLATIVE HISTORY
Public Law 91-670
S.1181

TABLE OF CONTENTS

Index and summary of S. 1181.....	1
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INDEX AND SUMMARY OF S.1181

Feb. 28, 1969 Sen. Young of North Dakota et al, introduced S. 1181 which was referred to Senate Agriculture and Forestry Committee. Print of bill as introduced.

Sept.17, 1969 Senate committee voted to report S. 1181.

Sept.18, 1969 Senate committee reported S.1181 with amendments. S. Rept. 91-416. Print of bill and report.

Oct. 15, 1969 Senate began debate on S. 1181.

Oct. 16, 1969 Senate passed S.1181 with amendments.

Oct. 20, 1969 Senate reconsidered and passed S.1181 as reported.

Mar. 16, 1970 S.1181 was referred to House Agriculture Committee. Print of bill as referred.

Aug. 10, 1970 Rep. Sisk et al, introduced H.R.18884 which was referred to House Agriculture Committee. Print of bill as introduced.

Aug. 11, 1970 House committee voted to report H.R. 18884.

Sept.28, 1970 House committee reported H.R. 18884 with amendments. H. Rept. 91-1480. Print of bill and report.

Oct. 8, 1970 Rules Committee granted rule for consideration of H.R. 18884.

Nov. 30, 1970 House passed H.R. 18884 with amendments; vacated action and passed S.1181 in lieu to substitute language of H.R. 18884.

Dec. 3, 1970 Senate Agriculture and Forestry Committee reported an original bill S.4560. S. Rept. 91-1400. Print of bill and report.

Dec. 11, 1970 Senate agreed to House amendment to S.1181 with an amendment substituting language of S.4560 for language of S. 1181.

Dec. 17, 1970 House conferees were appointed.

Dec. 18, 1970 Senate conferees were appointed.

Dec. 21, 1970 House received conference report on S. 1181. H. Rept. 91-1790. Print of report.

Dec. 22, 1970 Senate agreed to conference report on S. 1181.

Dec. 29, 1970 House agreed to conference report on S. 1181.

Jan. 11, 1971 Approved: P.L. 91-670

S. 1181

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 1969

Mr. YOUNG of North Dakota (for himself, Mr. ALLOTT, Mr. BURDICK, Mr. CHURCH, Mr. CRANSTON, Mr. FANNIN, Mr. GOLDWATER, Mr. JORDAN of Idaho, Mr. JORDAN of North Carolina, Mr. MAGNUSON, Mr. MONDALE, Mr. MURPHY, Mr. MUSKIE, and Mrs. SMITH) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Potato Research and
4 Promotion Act".

5 FINDINGS AND DECLARATION OF POLICY

6 SEC. 2. It is the declared policy of the Congress and the

1 purpose of this Act that it is essential in the public interest,
2 through the exercise of the powers provided herein, to author-
3 ize the establishment of an orderly procedure for the financ-
4 ing, through adequate assessments on all potatoes harvested
5 in the United States for commercial use, and the carrying out
6 of an effective and continuous coordinated program of
7 research, development, advertising and promotion designed
8 to strengthen potatoes' competitive position, and to main-
9 tain and expand domestic and foreign markets for potatoes
10 produced in the United States.

11 DEFINITIONS

12 SEC. 3. As used in this Act—

13 (a) The term "Secretary" means the Secretary of
14 Agriculture.

15 (b) The term "person" means any individual, partner-
16 ship, corporation, association, or other entity.

17 (c) The term "potatoes" means all varieties of Irish
18 potatoes grown by producers in the forty-eight contiguous
19 States of the United States.

20 (d) The term "handler" means any person who
21 handles potatoes except a common or contract carrier of
22 potatoes owned by another person.

23 (e) The term "handle" means to transport or sell po-
24 tatoes or otherwise place potatoes in the current of commerce;
25 except that the sale of unharvested potatoes and the transfer

1 or delivery of potatoes from the farm on which they are pro-
2 duced to a temporary storage facility, packing shed, or
3 processing plant shall not be considered handling.

4 (f) The term "producer" means any person engaged in
5 the growing of five or more acres of potatoes.

6 (g) The term "promotion" means any action taken by
7 the National Potato Promotion Board, pursuant to this Act,
8 to present a favorable image for potatoes to the public with
9 the express intent of improving their competitive positions
10 and stimulating sales of potatoes and shall include, but shall
11 not be limited to, paid advertising.

12 AUTHORITY TO ISSUE A PLAN

13 SEC. 4. To effectuate the declared policy of this Act,
14 the Secretary shall, subject to the provisions of this Act,
15 issue and from time to time amend, orders applicable to per-
16 sons engaged in the handling of potatoes (hereinafter re-
17 ferred to as handlers) and shall have authority to issue orders
18 authorizing the collection of assessments on potatoes handled
19 under the provisions of this Act, and to authorize the use
20 of such funds to provide research, development, advertising,
21 and promotion of potatoes in a manner prescribed in this
22 Act. Any order issued by the Secretary under this Act
23 shall hereinafter in this Act be referred to as a "plan". Any
24 such plan shall be applicable to potatoes produced in the
25 forty-eight contiguous States of the United States.

1 NOTICE AND HEARING

2 SEC. 5. When sufficient evidence is presented to the
3 Secretary by potato producers, or whenever the Secretary
4 has reason to believe that a plan will tend to effectuate the
5 declared policy of this Act, he shall give due notice and
6 opportunity for a hearing upon a proposed plan. Such
7 hearing may be requested by potato producers or by any
8 other interested person or persons, including the Secretary,
9 when the request for such hearing is accompanied by a pro-
10 posal for a plan.

11 FINDING AND ISSUANCE OF A PLAN

12 SEC. 6. After notice and opportunity for hearing, the
13 Secretary shall issue a plan if he finds, and sets forth in
14 such plan, upon the evidence introduced at such hearing,
15 that the issuance of such plan and all the terms and condi-
16 tions or modifications thereof will tend to effectuate the de-
17 clared policy of this Act.

18 REGULATIONS

19 SEC. 7. The Secretary is authorized to make such regu-
20 lations with the force and effect of law, as may be necessary
21 to carry out the provisions of this Act and the powers vested
22 in him by this Act.

23 REQUIRED TERMS IN PLANS

24 SEC. 8. Any plan issued pursuant to this Act shall con-
25 tain the following terms and conditions:

1 (a) Providing for the establishment by the Secretary
2 of a National Potato Promotion Board (hereinafter referred
3 to as "the board") and for defining its powers and duties,
4 which shall include powers—

5 (1) to administer such plan in accordance with its
6 terms and conditions;

7 (2) to make rules and regulations to effectuate the
8 terms and conditions of such plan;

9 (3) to receive, investigate, and report to the Secre-
10 tary complaints of violations of such plan; and

11 (4) to recommend to the Secretary amendments to
12 such plan.

13 (b) Providing that the board shall be composed of
14 representatives of producers selected by the Secretary from
15 nominations made by producers in such manner as may be
16 prescribed by the Secretary. In the event producers fail to
17 select nominees for appointment to the board, the Secretary
18 shall appoint producers on the basis of representation pro-
19 vided for in such plan.

20 (c) Providing that board members shall serve without
21 compensation, but shall be reimbursed for reasonable ex-
22 penses incurred in performing their duties as members of the
23 board.

24 (d) Providing that the board shall prepare and submit

1 to the Secretary for his approval a budget, on a fiscal period
2 basis, of its anticipated expenses and disbursements in the
3 administration of the plan, including probable costs of re-
4 search, development, advertising, and promotion.

5 (e) Providing that the board shall recommend to the
6 Secretary and the Secretary shall fix the assessment rate re-
7 quired for such costs as may be incurred pursuant to sub-
8 section (d) of this section; but in no event shall the assess-
9 ment rate exceed 1 cent per one hundred pounds of potatoes
10 handled.

11 (f) Providing that—

12 (1) funds collected by the board shall be used for
13 research, development, advertising, or promotion of
14 potatoes and potato products and such other expenses
15 for the administration, maintenance, and functioning of
16 the board as may be authorized by the Secretary;

17 (2) no advertising or sales promotion program shall
18 make any reference to private brand names or use false
19 or unwarranted claims in behalf of potatoes or their
20 products or false or unwarranted statements with respect
21 to the attributes or use of any competing products; and

22 (3) no funds collected by the board shall in any
23 manner be used for the purpose of influencing govern-
24 mental policy or action, except as provided by subsection

25 (a) (4) of this section.

1 (g) Providing that, notwithstanding any other pro-
2 visions of this Act, any potato producer against whose pota-
3 toes any assessment is made and collected under authority
4 of this Act and who is not in favor of supporting the research
5 and promotion program as provided for under this Act shall
6 have the right to demand and receive from the board a re-
7 fund of such assessment: *Provided*, That such demand shall
8 be made personally by such producer in accordance with
9 regulations and on a form and within a time period pre-
10 scribed by the board and approved by the Secretary, but in no
11 event less than ninety days, and upon submission of proof
12 satisfactory to the board that the producer paid the assess-
13 ment for which refund is sought, and any such refund shall
14 be made within sixty days after demand therefor.

15 (h) Providing that the board shall, subject to the pro-
16 visions of subsections (e) and (f) of this section, develop
17 and submit to the Secretary for his approval any research,
18 development, advertising or promotion programs or projects,
19 and that any such program or project must be approved by
20 the Secretary before becoming effective.

21 (i) Providing the board with authority to enter into
22 contracts or agreements, with the approval of the Secretary,
23 for the development and carrying out of research, develop-
24 ment, advertising or promotion programs or projects, and the

1 payment of the cost thereof with funds collected pursuant
2 to this Act.

3 (j) Providing that the board shall maintain books and
4 records and prepare and submit to the Secretary such reports
5 from time to time as may be prescribed for appropriate ac-
6 counting with respect to the receipt and disbursement of
7 funds entrusted to it and cause a complete audit report to be
8 submitted to the Secretary at the end of each fiscal period.

9 PERMISSIVE TERMS IN PLANS

10 SEC. 9. Any plan issued pursuant to this Act may
11 contain one or more of the following terms and conditions:

12 (a) Providing authority to exempt from the provisions
13 of the plan potatoes used for nonfood uses, and authority for
14 the board to require satisfactory safeguards against improper
15 use of such exemptions.

16 (b) Providing for authority to designate different
17 handler payment and reporting schedules to recognize
18 differences in marketing practices and procedures utilized
19 in different production areas.

20 (c) Providing for the establishment, issuance, effectua-
21 tion, and administration of appropriate programs or projects
22 for the advertising and sales promotion of potatoes and
23 potato products and for the disbursement of necessary funds
24 for such purposes: *Provided, however,* That any such pro-
25 gram or project shall be directed toward increasing the

1 general demand for potatoes and potato products: *And pro-*
2 *vided further*, That such promotional activities shall comply
3 with the provisions of section 8 (f) of this Act.

4 (d) Providing for establishing and carrying on research
5 and development projects and studies to the end that the
6 marketing and utilization of potatoes may be encouraged,
7 expanded, improved, or made more efficient, and for the
8 disbursement of necessary funds for such purposes.

9 (e) Providing for authority to accumulate reserve
10 funds from assessments collected pursuant to this Act, to per-
11 mit an effective and continuous coordinated program of re-
12 search and development or advertising and promotion in
13 years when the production and assessment income may be
14 reduced: *Provided*, That the total reserve fund does not
15 exceed the amount budgeted for two years' operation.

16 (f) Providing for authority to use funds collected herein,
17 with the approval of the Secretary, for the development and
18 expansion of potato and potato product sales in foreign
19 markets.

20 (g) Terms and conditions incidental to and not incon-
21 sistent with the terms and conditions specified in this Act
22 and necessary to effectuate the other provisions of such
23 plan.

24 ASSESSMENTS

25 SEC. 10. (a) The first handler of potatoes shall be re-

1 sponsible, under the provisions of this Act and any plan
2 issued pursuant to it, for payment to the board of any assess-
3 ments levied on potatoes; and such handler may collect from
4 any producer or deduct from the proceeds paid to any pro-
5 ducer, on whose potatoes such assessment is made, any
6 such assessment required to be paid by such handler. Such
7 handler shall maintain a separate record with respect to each
8 producer for whom potatoes were handled, and such records
9 shall indicate the total quantity of potatoes handled by him
10 including those handled for producers and for himself, shall
11 indicate the total quantity of potatoes handled by him which
12 are included under the terms of a plan as well as those which
13 are exempt under such plan, and shall indicate such other
14 information as may be prescribed by the board.

15 (b) Handlers responsible for collection of assessments
16 under subsection (a) of this section shall maintain and make
17 available for inspection by the Secretary such books and
18 records as required by the plan and file reports at the times,
19 in the manner, and having the content prescribed by the plan,
20 to the end that information and data shall be made available
21 to the board and to the Secretary which is appropriate or
22 necessary to the effectuation, administration, or enforcement
23 of this Act or of any plan or regulation issued pursuant to this
24 Act.

25 (c) All information obtained pursuant to subsections

1 (a) and (b) of this section shall be kept confidential by all
2 officers and employees of the Department of Agriculture and
3 of the board, and only such information so furnished or
4 acquired as the Secretary deems relevant shall be disclosed
5 by them, and then only in a suit or administrative hearing
6 brought at the direction, or upon the request, of the Secre-
7 tary, or to which he or any officer of the United States is a
8 party, and involving the plan with reference to which the
9 information to be disclosed was furnished or acquired.
10 Nothing in this section shall be deemed to prohibit—

11 (1) the issuance of general statements based upon
12 the reports of a number of handlers subject to a plan
13 if such statements do not identify the information fur-
14 nished by any person, or

15 (2) the publication by direction of the Secretary
16 of the name of any person violating any plan together
17 with a statement of the particular provisions of the plan
18 violated by such person.

19 Any such officer or employee violating the provisions of this
20 subsection shall upon conviction be subject to a fine of not
21 more than \$1,000 or imprisonment for not more than one
22 year, or both, and shall be removed from office.

23 PETITION AND REVIEW

24 SEC. 11. (a) Any person subject to a plan may file a
25 written petition with the Secretary, stating that such plan

1 or any provision of such plan or any obligation imposed in
2 connection therewith is not in accordance with law and
3 praying for a modification thereof or to be exempted there-
4 from. He shall thereupon be given an opportunity for a hear-
5 ing upon such petition, in accordance with regulations made
6 by the Secretary. After such hearing, the Secretary shall
7 make a ruling upon the prayer of such petition which shall
8 be final, if in accordance with law.

9 (b) The district courts of the United States in any dis-
10 trict in which such person is an inhabitant, or has his prin-
11 cipal place of business, are hereby vested with jurisdiction to
12 review such ruling: *Provided*, That a complaint for that pur-
13 pose is filed within twenty days from the date of the entry of
14 such ruling. Service of process in such proceedings may be
15 had upon the Secretary by delivering to him a copy of the
16 complaint. If the court determines that such ruling is not in
17 accordance with law, it shall remand such proceedings to the
18 Secretary with directions either (1) to make such ruling as
19 the court shall determine to be in accordance with law, or
20 (2) to take such further proceedings as, in its opinion, the
21 law requires. The pendency of proceedings instituted pur-
22 suant to subsection (a) of this section shall not impede,
23 hinder, or delay the United States or the Secretary from
24 obtaining relief pursuant to section 12 (a) of this Act.

ENFORCEMENT

SEC. 12. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued pursuant to this Act.

(b) Any handler who willfully violates any provisions of any plan issued by the Secretary under this Act, or who willfully fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be liable to a penalty of not more than \$1,000 for each such offense which shall accrue to the United States and in addition shall be subject to civil suit brought by the United States to collect any unpaid assessments levied under this Act.

INVESTIGATION AND POWER TO SUBPENA

SEC. 13. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this Act or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this Act, or of any plan, or rule or regulation issued under this Act. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance,

1 take evidence, and require the production of any books,
2 papers, and documents which are relevant to the inquiry.
3 Such attendance of witnesses and the production of any such
4 records may be required from any place in the United
5 States. In case of contumacy by, or refusal to obey a sub-
6 pena issued to, any person, including a handler, the Sec-
7 retary may invoke the aid of any court of the United States
8 within the jurisdiction of which such investigation or pro-
9 ceeding is carried on, or where such person resides or carries
10 on business, in requiring the attendance and testimony of
11 witnesses and the production of books, papers, and docu-
12 ments; and such court may issue an order requiring such
13 person to appear before the Secretary, there to produce
14 records, if so ordered, or to give testimony touching the
15 matter under investigation. Any failure to obey such order
16 of the court may be punished by such court as contempt
17 thereof. All process in any such case may be served in the
18 judicial district where of such person is an inhabitant or
19 wherever he may be found. The site of any hearings held
20 under this section shall be within the judicial district where
21 such handler or other person is an inhabitant or has his
22 principal place of business.

23 (b) No person shall be excused from attending and
24 testifying or from producing books, papers, and documents
25 before the Secretary, or in obedience to the subpoena of the

1 Secretary, or in any cause or proceeding, criminal or other-
2 wise, based upon, or growing out of any alleged violation
3 of this Act, or of any plan, or rule or regulation issued there-
4 under on the ground or for the reason that the testimony or
5 evidence, documentary or otherwise, required of him may
6 tend to incriminate him or subject him to a penalty or for-
7 feiture; but no individual shall be prosecuted or subjected
8 to any penalty or forfeiture for or on account of any trans-
9 action, matter, or thing concerning which he is compelled,
10 after having claimed his privilege against self-incrimination,
11 to testify or produce evidence, documentary or otherwise,
12 except that any individual so testifying shall not be exempt
13 from prosecution and punishment for perjury committed in
14 so testifying.

15 REQUIREMENT OF REFERENDUM

16 SEC. 14. The Secretary shall conduct a referendum
17 among producers who, during a representative period de-
18 termined by the Secretary, have been engaged in the produc-
19 tion of potatoes for the purpose of ascertaining whether the
20 issuance of a plan is approved or favored by producers. No
21 plan issued pursuant to this Act shall be effective unless
22 the Secretary determines that the issuance of such plan is
23 approved or favored by not less than two-thirds of the pro-
24 ducers voting in such referendum, or by the producers of not
25 less than two-thirds of the potatoes produced during the rep-

1 resentative period by producers voting in such referendum,
2 and by not less than a majority of the producers voting in
3 such referendum. The ballots and other information or re-
4 ports which reveal or tend to reveal the vote of any producer
5 or his production of potatoes shall be held strictly confiden-
6 tial and shall not be disclosed. Any officer or employee of the
7 Department of Agriculture violating the provisions hereof
8 shall upon conviction be subject to the penalties provided in
9 paragraph 10 (c) above.

10 SUSPENSION OR TERMINATION OF PLANS

11 SEC. 15. (a) The Secretary shall, whenever he finds
12 that a plan or any provision thereof obstructs or does not
13 tend to effectuate the declared policy of this Act, terminate
14 or suspend the operation of such plan or such provision
15 thereof.

16 (b) The Secretary may conduct a referendum at any
17 time and shall hold a referendum on request of the board
18 or of 10 per centum or more of the potato producers to de-
19 termine if potato producers favor the termination or sus-
20 pension of the plan, and he shall terminate or suspend such
21 plan at the end of the marketing year whenever he deter-
22 mines that such suspension or termination is favored by a
23 majority of those voting in a referendum, and who produce
24 more than 50 per centum of the volume of the potatoes pro-
25 duced by the potato producers voting in the referendum.

1 AMENDMENT PROCEDURE

2 SEC. 16. The provisions of this Act applicable to plans
3 shall be applicable to amendments to plans.

4 SEPARABILITY

5 SEC. 17. If any provision of this Act or the application
6 thereof to any person or circumstances is held invalid, the
7 validity of the remainder of this Act and of the application of
8 such provision to other persons and circumstances shall not
9 be affected thereby.

10 AUTHORIZATION

11 SEC. 18. There is hereby made available from the funds
12 provided by section 32 of Public Law 320, Seventy-fourth
13 Congress (49 Stat. 774) , as amended (7 U.S.C. 612c) , such
14 sums as are necessary to carry out the provisions of this
15 Act: *Provided*, That no such sum shall be used for the
16 payment of any expenses or expenditures of the board in
17 administering any provision of any plan issued under author-
18 ity of this Act.

19 EFFECTIVE DATE

20 SEC. 19. This Act shall take effect upon enactment.

A BILL

To enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer.

BY Mr. YOUNG of North Dakota, Mr. ALLOTT, Mr. BURDICK, Mr. CHURCH, Mr. CRANSTON, Mr. FANNIN, Mr. GOLDWATER, Mr. JORDAN of Idaho, Mr. JORDAN of North Carolina, Mr. MAGNUSON, Mr. MONDALE, Mr. MURPHY, Mr. MUSKIE, and Mrs. SMITH

FEBRUARY 28, 1969

Read twice and referred to the Committee on
Agriculture and Forestry

Senate-5-

Sept 17, 1969

8. SHOE IMPORTS. Rep. Cleveland called for swift passage of an effective shoe import quota bill. p. H8095

SENATE

9. WHEAT. The Agriculture and Forestry Committee voted to report (but did not actually report) S. 858, to authorize increased wheat acreage allotments for privately owned irrigable farms in the Tulalake area, Calif., and S. 2832, to postpone for one year the payment to producers of the balance from the 1968 wheat crop in the export marketing certificate pool. p. D821
10. POTATOES. The Agriculture and Forestry Committee voted to report (but did not actually report) S. 1181, the potato research and promotion bill; and S. 2214, to place potatoes for dehydration and processing into other potato products on an equal basis with potatoes for canning and freezing which are not exempt under the Agricultural Marketing Agreement Act of 1937, as amended. p. D821
11. REVIEW COMMITTEES. The Agriculture and Forestry Committee voted to report (but did not actually report) S. 2226, to amend the Agricultural Adjustment Act, as amended, regarding the eligibility for membership on marketing quota review committees. p. D821
12. NOMINATION; CCC. The Agriculture and Forestry Committee reported favorably the nomination of Assistant Secretary Cowden to be a member of the Board of Directors of CCC. S10671
13. WATERSHEDS. The Agriculture and Forestry Committee "also approved 10 watershed projects." p. D821
14. COMMITTEE ASSIGNMENTS. Agreed to S. Res. 256, excusing Sen. Bellmon from further service on the Labor and Public Welfare Committee and assigning him to the Committee on Agriculture and Forestry; and excusing Sen. Cook from further service on the Agriculture and Forestry and assigning him to the Commerce Committee. Several other committee reassignments were also included in the resolution. p. S10743
15. TAX REFORM. Sen. Allen submitted an amendment to H. R. 13270, the tax reform bill, which would increase the amount of the deduction for each personal exemption from \$600 to \$1200. pp. S10676-7
Sen. Javits inserted his testimony given before the Finance Committee on the tax reform bill. pp. S10680-84
Sen. Long inserted testimony given **before the Finance Committee by interested** persons on the tax reform bill and its provisions regarding charitable contributions. pp. S10695-98
16. POLLUTION. Sen. Packwood inserted Senator Cook's address on environmental and pollution control. pp. S10679-80

17. PESTICIDES. Sen. Nelson inserted an article which depicts the "threat to our environment from the continued use of persistent, toxic pesticides." pp. S10704-5
Sen. Tydings inserted an article on the dangers of pesticides. The article substantiates and corroborates features of S. 2747, a bill introduced by Tydings regarding the regulation of pesticides. pp. S10714-16
18. GRAZING FEES. Sen. Metcalf discussed grazing fees and inserted data depicting the range of fees on State and private lands in the West. pp. S10717-20
19. FARM PROGRAM. Rep. Zwach stated that "one of the primary concerns of the vast area of mid-America is the farm program" and inserted an article, "Farm Crossroads." p. E7558
20. WATER RESOURCES. Rep. Reifel inserted two articles describing the development of the Nation's land and water resources. pp. E7559-60
21. POLLUTION. Rep. Gude inserted an article describing the efforts of a women's group in fighting the causes of water pollution. pp. E7561-2
Rep. Dingell inserted an article, "Hot, Polluted Water Might Wipe Out Salmon--." pp. E7577-8
22. FISHERIES. Rep. Byrne, Pa., stated his concern with the crisis of the fishing industry and inserted an article on problems of the industry. pp. E7565-7
23. FARM SAFETY. Rep. Smith, Ia., stated that few seem to be concerned about farm tractor accidents, requested a study of possible means of improving farm machinery safety, and inserted several articles as to the extent of the problem. pp. E7569-74
24. PUBLIC WORKS. Rep. Eilberg criticized the announced reduction in new contracts for Government construction and said, "This action is short sighted and will have a disastrous impact on the general economy and a specific sector of the economy." pp. E7581-2

BILLS INTRODUCED

25. MILITARY TRAINING. S. 2908 by Sen. Young, to amend the Military Selective Service Act of 1967 so as to reduce from 24 months to 18 months the period of time persons inducted into the Armed Forces under such act may be required to serve; to the Armed Services Committee.
26. CONTRACTS. H. R. 13846 by Rep. Moorhead, to amend the act of August 24, 1935 (commonly referred to as the "Miller Act"), to exempt construction contracts not exceeding \$20,000 in amount from the bonding requirements of such act; to the Committee on the Judiciary.

Sept 18, 1969

11. POTATOES. The Agriculture and Forestry Committee reported with amendments S. 1181, to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer (S. Rept. 91-416) and S. 2214, to exclude potatoes for all types of processing from provisions of the Agricultural Marketing Agreement Act (S. Rept. 91-418). p. S10807
12. WHEAT. The Agriculture and Forestry Committee reported with amendments S. 858, to amend the Agricultural Adjustment Act of 1938, as amended, to increase certain wheat acreage allotments in the Tulare area, Calif., (S. Rept. 91-417). p. S10807
13. HOUSING. The Banking and Currency Committee reported S. J. Res. 152, an original resolution to provide for the temporary extension of rural housing programs and Federal Housing Administration insurance authority, and to extend the period during which HUD may establish maximum interest rates on insured loans (S. Rept. 91-419). p. S10897
14. SCIENCE. Passed as reported S. 1857, to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81-507, as amended. pp. S10764-70
15. NOMINATION; CCC. Confirmed the nomination of Assistant Secretary Cowden to be a member of the Board of Directors, CCC. pp. S10763-4
16. RESEARCH. Began debate on H. R. 11271, to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management (pp. S10895-10907). Includes in the Space Applications program cooperation with this Department in determining the spectrum of remote-sensor requirements necessary to apply space technology to the fields of agriculture, forestry, oceanography, meteorology, etc.
17. SOCIAL SECURITY. Sen. Scott called for speedy consideration of legislation to increase social security benefits. pp. S10810-1
18. FARM PROGRAMS. Sen. Hughes inserted Sen. Symington's speech before the MFA Oil Co.'s annual convention on the importance of sound agricultural programs to the security and well-being of the U. S. pp. S10811-2
19. HEALTH. Sen. Ribicoff spoke in support of his bill to establish some overall health policy to guide the administration of Federal health programs. pp. S10812-4
20. OCEANOGRAPHY. Sen. Hatfield said that "our country should take steps to encourage oceanographic research." p. S10816

21. SEA-LEVEL CANAL. Sen. Thurmond inserted articles discussing increasing the capacity and operational improvement of the Panama Canal. pp. S10816-8
22. HORSES. Sen. Tydings deplored the practice of "soring" horses and inserted articles supporting his position. pp. S10818-20
23. PESTICIDES. Sen. Nelson inserted an article, "Reveal Lax Poison Law Enforcement--Subcommittee Probe Exposes Violations." pp. S10820-1
24. POLLUTION. Sen. Tydings stated that a "major conservation issue now facing this Nation is the ecological threat from nuclear power plant discharges and inserted the AEC comments on tritium. pp. S10822-7
25. NUTRITION. Sen. Cook inserted Secretary Hardin's testimony before the Select Committee on Nutrition and Human Needs on the relationship between the administration's welfare and food stamp programs. pp. S10828-9
Sen. Cook inserted the testimony of the project director, County Gathering, Ky., before the Select Committee on Nutrition and Elderly Needs expressing her ideas on-improving the nutritional habits of elderly people. pp. S10832-4
26. IMPORTS. Sen. McIntyre said that hearings have indicated that the most important single cause of the shoe industry's difficulties has been shoe imports, and said he hopes for enactment of legislation which would not cut off imports altogether but would limit them to a rate of growth consistent with the health of domestic industry. pp. S10829
27. RECREATION. Sen. Nelson expressed gratitude that Interior has announced that alternate sites should be studied for the proposed jetport near Everglades National Park, but said that another immediate danger to the Everglades is the problem of an adequate water supply. pp. S.0838-42
Sen. Hart inserted a report by a panel of experts on the environmental impacts of the construction of the Everglades jetport. pp. S10834-6
Sen. Yarborough called for establishment of the Big Thicket National Park and inserted supporting material. p. S10830
28. ECONOMY. Sen. Cook inserted U. S. Chamber of Commerce President Jones' speech "The Dime Dollar," describing it as a "stark reminder of the consequences we must face if we do not stop the spiralling inflation." pp. S10830-2
29. ALASKA. Sen. Stevens inserted a speech "Alaska at the Crossroads" by Sen. Percy to the Press Club at Anchorage, Alaska, and said that Sen. Percy's suggestions deserve review and serious consideration. pp. S10842-3



91ST CONGRESS }
1st Session }

SENATE

{ REPORT
{ No. 91-416

POTATO AND TOMATO PROMOTION

SEPTEMBER 18, 1969.—Ordered to be printed

Mr. HOLLAND, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany S. 1181]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 1181) to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

SHORT EXPLANATION

Title I, the "Potato Research and Promotion Act," provides for a program of potato research, development, advertising, and promotion, to be financed by assessments of not more than 1 cent per hundred pounds of potatoes produced commercially in the 48 contiguous States. It is generally similar to the Cotton Research and Promotion Act, which was approved July 13, 1966. The program would be effective only if approved by the Secretary of Agriculture after notice and hearing and by two-thirds (in number and volume and at least a majority in number) of the producers voting in a referendum. It would be administered by a "National Potato Promotion Board" composed of producer representatives selected by the Secretary from producer nominees. The board would develop a budget and program, recommend assessment rates, and enter into agreements to carry them out, all subject to the approval of the Secretary. Assessments would be collected by handlers. Only commercial producers, who

produce five or more acres of potatoes, would vote or be subject to assessment. Any producer could obtain a refund of his assessment if he desired.

Title II would amend section 8c(6)(I) of the Agricultural Adjustment Act (7 U.S.C. 608c(6)(I)) to add tomatoes to the list of commodities for which paid advertising can be provided under marketing orders.

HEARINGS

All witnesses, except those connected with the Farm Bureau, favored the bill.

AMENDMENTS

All of the substantive amendments to title I of the bill were proposed by the Department of Agriculture and are fully explained in its report attached hereto. Witnesses at the hearings had no opposition to the Department amendments.

Title II, added by the committee, would accord tomatoes the same treatment with respect to paid advertising under marketing orders as is now accorded a long list of other commodities. The addition of title II required a number of purely technical amendments to title I.

SECTION-BY-SECTION ANALYSIS

TITLE I

Section 1. *Short title*.—"Potato Research and Promotion Act."

Section 2. *Findings and declaration of policy*.—This section declares it to be the policy, through assessments on potatoes harvested in the United States, to finance a potato research, development, advertising, and promotion program.

The committee amendment would include a finding that the program is vital to interstate commerce in potatoes and potato products, and a finding that all commerce in potatoes is or affects interstate commerce.

Section 3. *Definitions*.—This section defines "Secretary", "person", "potatoes", "handler", "producer", and "promotion". The term "potatoes" is restricted to Irish potatoes grown by producers in the 48 contiguous States. "Producer" means a person engaged in the growing of 5 or more acres of potatoes. The term "promotion" includes paid advertising.

The committee amendments delete the definition of "handle," and limit handlers to persons who handle potatoes "in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder." The purpose is to provide a greater degree of flexibility in the selection of the handler who is to collect the assessments.

Section 4. *Authority to issue a plan*.—This section directs the Secretary to issue and amend from time to time plans authorizing handlers to collect assessments on potatoes handled, and authorizing the use of such funds for research, development, advertising, and promotion of potatoes.

Section 5. *Notice and hearing.*—This section requires the Secretary to give due notice and opportunity for a hearing upon a proposed plan, whenever he believes that a plan will tend to effectuate title I of the act.

Section 6. *Finding and issuance of a plan.*—This section requires the Secretary to issue a plan if he finds, upon the evidence introduced at the hearing, that the plan will tend to effectuate title I of the act.

The committee amendment would delete the words “or modifications,” which are unnecessary and confusing.

Section 7. *Regulations.*—This section authorizes the Secretary to make such regulations as may be necessary to carry out title I.

Section 8. *Required terms in plans.*—Any plan issued under the bill would provide for establishment of a National Potato Promotion Board to—

- (1) administer the plan,
- (2) make regulations to effectuate it,
- (3) receive, investigate, and report to the Secretary complaints of violations,
- (4) recommend amendments to the Secretary, and
- (5) exercise such other duties and powers as the plan may provide.

The board would be composed of representatives of producers selected by the Secretary from nominations made by producers in the manner prescribed by the Secretary. If producers failed to select nominees the Secretary would appoint producers on the basis of representation provided for in such plan. Board members would serve without compensation, but would be reimbursed for reasonable expenses incurred in performing their duties. The board would submit a budget of plan costs to the Secretary for his approval, on a fiscal period basis, and recommend the assessment rate, which would be fixed by the Secretary at not to exceed 1 cent per 100 pounds of potatoes handled. Funds collected would be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board as might be authorized by the Secretary. Promotion programs could not refer to brand names, or make false or unwarranted statements in behalf of potatoes or potato products or about competing products. Funds could not be used to influence governmental policy, except with respect to plan amendment.

Any producer would have the right to obtain a refund of any assessment collected from him by making demand personally in the prescribed manner. The committee gave consideration to the fact that in some States there may be State marketing research and promotion programs; and that producers in such States may not want to participate in the program provided by the bill. The committee wishes to emphasize that in such States, as well as in all other States, the producers need not participate in the program under the bill, since subsection (g) of this section gives every producer the right to obtain a refund of the assessment collected from him.

Subject to the approval of the Secretary, the board would develop research, development, advertising, or promotion programs and enter into agreements to have them carried out. The board would maintain

books and records, report the the Secretary as prescribed, and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

Section 9. *Permissive terms in plans.*—In addition, any plan could provide—

- (1) authority to exempt potatoes used for nonfood purposes,
- (2) authority to designate different handler payment and reporting schedules to recognize differences in practices and procedures in different production areas,
- (3) authority to accumulate reserve funds not exceeding the amount budgeted for 2 years' operation, and
- (4) other necessary terms and conditions.

Subsections (c), (d), and (f) of this section provide for the establishment of research, development, advertising, and promotion programs. Since these programs are also provided for in a more detailed and restricted manner in section 8, and since section 8 provisions are mandatory, the bill should be construed as subjecting any such programs to all of the provisions and restrictions of section 8. Subsection (f) makes it clear that foreign promotion is authorized.

The Committee amendment to subsection (e) merely makes a technical correction, substituting “, development,” for “and development or”.

Section 10. *Assessments.*—As introduced, this section provides for collection of assessments by the first handler. The Committee amendments would (1) provide for collection by handlers designated by the board pursuant to regulations under the plan and (2) to permit designation of different handlers or classes of handlers to recognize differences in marketing practices or procedures in different States or areas.

Handlers would be required to keep accurate records of collections and make appropriate reports. Information obtained would be kept confidential subject to a fine of up to \$1,000 or imprisonment up to 1 year, or both.

Section 11. *Petition and review.*—This section provides for appeals to the Secretary and the district court from any provision which is not in accordance with law.

Section 12. *Enforcement.*—This section provides for specific enforcement and injunction by the district courts and for criminal penalties. The committee amendments (1) permit criminal penalties without proof of “willful” conduct, (2) provide a minimum fine of \$100, (3) substitute language generally associated with civil penalties, and (4) eliminate unnecessary language relative to suits to enforce collection.

Section 13. *Investigation and power to subpoena.*—This section authorizes the Secretary to make necessary investigations, administer oaths, subpoena witnesses, and require the production of records. It also provides immunity from prosecution for any matter on which a witness is compelled to testify after claiming his privilege against self incrimination.

Section 14. *Requirement of referendum.*—No plan would be effective unless approved by two-thirds (by number or volume of production and in any event by a majority in number) of the producers voting in a referendum. The vote would be confidential and any Department

employee making disclosure would be subject to a fine of up to \$1,000, or imprisonment up to 1 year, or both.

Section 15. *Suspension or termination of plans.*—Any plan, or provision thereof, would be suspended or terminated if the Secretary found that it did not tend to effectuate the act.

A plan would also be suspended or terminated if such suspension or termination were favored by a majority (in both number and volume) of the producers voting in a referendum. The Secretary could conduct a referendum at any time and would be required to do so on request of the board or 10 percent or more of the potato producers.

Section 16. *Amendment procedure.*—Plans could be amended in the same manner as provided for their issuance.

Section 17. *Separability.*—Invalidity of any part of title I would not affect the remainder.

Section 18. *Authorization.*—Funds appropriated under section 32 of Public Law 320, 74th Cong., are made available for carrying out title I, but not for carrying out any plan thereunder.

Section 19. *Effective date.*—Title I would be effective upon enactment.

TITLE II

Paid advertising may now be provided under marketing orders for cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, and avocados. Title II of the bill would add tomatoes to this list.

DEPARTMENTAL VIEWS

The report of the Department favoring enactment of the bill is attached.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 18, 1969.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your request of March 3 for a report on S. 1181. The purpose of the bill is to enable potato-growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes.

The Department has no objection to this bill but suggests some modifications.

The bill provides for authority to establish a plan to collect assessments on potatoes produced in the 48 contiguous States of the United States. Producers with less than 5 acres will be exempt from assessments. The assessments will be used for promotion of potatoes including paid advertising. In addition, assessments can be used for research and development projects. The costs incurred by the potato industry in administering the program will also be paid from assessments. Prior approval by the Secretary of Agriculture for all projects and expenditures is provided for as a safeguard against improper use of funds.

The bill provides for a maximum assessment rate of 1 cent per hundredweight. Handlers are responsible for payment of the assessments, and they may deduct them from their settlement with the producers. Producers will be able to obtain a refund on the assessments paid by them, if they request it in the time and manner prescribed. The bill provides that hearings with respect to a proposed plan be held when requested by potato producers. A favorable referendum vote, by two-thirds of the potato producers voting in such referendum, or two-thirds of their production and not less than a majority of those voting, is required to approve any plan issued pursuant to this bill. If such a plan is favored by producers, a board will be appointed by the Secretary of Agriculture from industry nominations of eligible producers. Such board will administer the plan under the supervision of the Secretary of Agriculture.

Provisions in this bill are similar to those in Public Law 89-502 (80 Stat. 279) enacted by the 89th Congress, and cited as the "Cotton Research and Promotion Act." Promulgation and referendum proceedings for any "Plan" issued pursuant to this bill are similar to those in marketing orders authorized by the Agricultural Marketing Agreement Act of 1937, as amended. Administrative provisions are also similar to those in marketing orders. There are no provisions for quality control or compulsory inspection in this bill.

The potato producers have been confronted, in recent years, with increased competition from other products marketed as easily prepared convenience foods. Some of these products are promoted on a national basis. Potato producers have not been able to effectively match this competition because production and marketing of potatoes is performed by numerous individual farmers in every State in the United States. This has made it difficult for them to finance and carry out adequate research and promotion projects to maintain a competitive position in the markets. This bill would give potato producers authority to help themselves by financing such projects.

Several potato producing areas have State orders or commissions to promote potatoes produced in their specific areas. This bill is intended to supplement these existing programs with a nationally coordinated program.

The Department recommends the following modifications of this bill:

(1) In section 2, page 1, line 6 (Findings and Declaration of Policy), it is recommended that the "findings", as contained in the national potato research and promotion bill in the 90th Congress (S. 2862 dated January 23, 1968, predecessor to this bill), be added as a part of section 2 of this bill. The addition would make clear that the legislation is intended to exercise the full sweep of the Federal commerce powers. It would also facilitate administration and enforcement as proof would not be required in each action for enforcement that the potatoes involved were in interstate commerce or directly burdened, obstructed, or affected interstate commerce in potatoes or potato products.

In the event the "findings" are not added, section 4 should be modified to indicate the intention to exercise the full sweep of the federal commerce powers. In section 4, page 3, line 25 (Authority to

Issue a Plan), add to the end of the sentence the following: "and as are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes or potato products."

(2) In subsection 3(d), page 2, line 20-22 (definitions), revise the term "handler" to read as follows:

"(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this Act or in the rules and regulations issued thereunder."

(3) In section 3, page 2, beginning on line 23, delete subsection (e)—the definition of "handle"—and renumber the remaining definitions.

(4) In subsection 10(a), page 9, (assessments) revise the language beginning on line 25 and continuing through the word "potatoes," in line 3 on page 10, to read as follows:

"Sec. 10(a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes;"

Also in subsection 10(a), add a sentence at the end to read as follows: "To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes."

The changes in (2) and (3) are recommended in the interest of providing a greater degree of flexibility in designating the various activities that will make a person a "handler." The change in (4) will provide flexibility in designating the "handler" responsible for payment of assessments to, as well as the manner and method of collection of assessments by, the board. These changes follow similar provisions in the Cotton Research and Promotion Act and are desirable in the light of our experience under that act.

(5) In section 6, page 4, line 16 (finding and issuance of a plan), delete "or modification," as being unnecessary and confusing inasmuch as the Secretary must find that all the terms and conditions contained in the plan as issued, will tend to effectuate the declared policy of the act.

(6) In subsection 9(e), page 9, lines 11 and 12 (permissive terms in plans) modify "research and development or advertising and promotion" to read "research, development, advertising and promotion." This change will make the quoted modification conform to other specifications of such activities elsewhere in the act.

(7) In subsection 12(b), (Enforcement) delete the word "willfully" in two places on page 13, lines 6 and 8. "Willfully" is an undesirable term because it is difficult to prove and would result in administrative and enforcement difficulties.

Also in subsection 12(b), page 13, line 10, delete the words "liable to a penalty or not" and substitute in lieu thereof the words "fined not less than \$100 or"; and delete the balance of the paragraph following the word "offense" in line 11. This change substitutes terminology generally associated with criminal prosecution in place of language relating to civil action. Additionally, specific authorization for civil action to collect unpaid assessments is unnecessary as

subsection 12(a) provides the district courts with adequate authority to enforce collection.

We believe the enactment of this bill would result in a cost of \$325,000 to conduct promulgation proceedings, a referendum and related items to initiate a "Plan" if it is necessary to conduct the referendum by the use of polling places in each county. However, if the proponents of a "Plan" are able to provide suitable mailing lists of potato producers eligible to vote so that the referendum can be conducted by mail, this would reduce total costs to initiate a "Plan" to \$180,000. Additionally, the Department's annual cost for administration is estimated to be \$80,000.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

AGRICULTURAL ADJUSTMENT ACT

(Reenacted by the Agricultural Marketing Agreement Act of 1937)

SEC. 8c. * * *

(6) In the case of the agricultural commodities and the products thereof, other than milk and its products, specified in subsection (2) orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)), no others:

(I) Establishing or providing for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to orders applicable to cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, [or avocados] *avocados, or tomatoes* such projects may provide for any form of marketing promotion including paid advertising.

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91ST CONGRESS
1ST SESSION

S. 1181

[Report No. 91-416]

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 1969

Mr. YOUNG of North Dakota (for himself, Mr. ALLOTT, Mr. BURDICK, Mr. CHURCH, Mr. CRANSTON, Mr. FANNIN, Mr. GOLDWATER, Mr. HATFIELD, Mr. JORDAN of Idaho, Mr. JORDAN of North Carolina, Mr. MAGNUSON, Mr. MONDALE, Mr. MURPHY, Mr. MUSKIE, and Mrs. SMITH of Maine) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

SEPTEMBER 18, 1969

Reported by Mr. HOLLAND, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 *Title I—Potato Research and Promotion*

4 ~~That this Act~~ *This title* may be cited as the "Potato Research
5 and Promotion Act".

1 FINDINGS AND DECLARATION OF POLICY

2 SEC. 2. ~~It~~ *Potatoes are a basic food in the United States.*
3 *They are produced by many individual potato growers in*
4 *every State in the United States. In 1966, there were one*
5 *million four hundred and ninety-seven thousand acres of crop-*
6 *land in the United States devoted to the production of*
7 *potatoes. Approximately two hundred and seventy-five*
8 *million hundredweight of potatoes have been produced*
9 *annually during the past five years with an estimated sales*
10 *value to the potato producers of \$561,000,000.*

11 *Potatoes and potato products move, in a large part, in*
12 *the channels of interstate commerce, and potatoes which do*
13 *not move in such channels directly burden or affect inter-*
14 *state commerce in potatoes and potato products. All potatoes*
15 *produced in the United States are in the current of interstate*
16 *commerce or directly burden, obstruct, or affect interstate*
17 *commerce in potatoes and potato products.*

18 *The maintenance and expansion of existing potato mar-*
19 *kets and the development of new or improved markets are*
20 *vital to the welfare of potato growers and those concerned*
21 *with marketing, using, and processing potatoes as well as the*
22 *general economic welfare of the Nation.*

23 *Therefore, it is the declared policy of the Congress and*
24 *the purpose of this ~~Act~~ title that it is essential in the public*
25 *interest, through the exercise of the powers provided herein,*

1 to authorize the establishment of an orderly procedure for
 2 the financing, through adequate assessments on all potatoes
 3 harvested in the United States for commercial use, and the
 4 carrying out of an effective and continuous coordinated pro-
 5 gram of research, development, advertising and promotion
 6 designed to strengthen potatoes' competitive position, and to
 7 maintain and expand domestic and foreign markets for pota-
 8 toes produced in the United States.

9 DEFINITIONS

10 SEC. 3. As used in this ~~Act~~ *title*

11 (a) The term "Secretary" means the Secretary of
 12 Agriculture.

13 (b) The term "person" means any individual, partner-
 14 ship, corporation, association, or other entity.

15 (c) The term "potatoes" means all varieties of Irish
 16 potatoes grown by producers in the forty-eight contiguous
 17 States of the United States.

18 (d) The term "handler" means any person ~~who~~
 19 ~~handles potatoes except a common or contract carrier of~~
 20 ~~potatoes owned by another person~~ (*except a common or con-*
 21 *tract carrier of potatoes owned by another person*) *who han-*
 22 *dles potatoes in a manner specified in a plan issued pursuant*
 23 *to this title or in the rules and regulations issued thereunder.*

24 ~~(e) The term "handle" means to transport or sell po-~~
 25 ~~tatoes or otherwise place potatoes in the current of commerce;~~

1 except that the sale of unharvested potatoes and the transfer
 2 or delivery of potatoes from the farm on which they are pro-
 3 duced to a temporary storage facility, packing shed, or
 4 processing plant shall not be considered handling.

5 ~~(f)~~ (e) The term "producer" means any person engaged
 6 in the growing of five or more acres of potatoes.

7 ~~(g)~~ (f) The term "promotion" means any action taken
 8 by the National Potato Promotion Board, pursuant to this
 9 ~~Act~~ title, to present a favorable image for potatoes to the
 10 public with the express intent of improving their competitive
 11 positions and stimulating sales of potatoes and shall include,
 12 but shall not be limited to, paid advertising.

13 AUTHORITY TO ISSUE A PLAN

14 SEC. 4. To effectuate the declared policy of this ~~Act~~ title,
 15 the Secretary shall, subject to the provisions of this ~~Act~~ title,
 16 issue and from time to time amend, orders applicable to per-
 17 sons engaged in the handling of potatoes (hereinafter re-
 18 ferred to as handlers) and shall have authority to issue orders
 19 authorizing the collection of assessments on potatoes handled
 20 under the provisions of this ~~Act~~ title, and to authorize the use
 21 of such funds to provide research, development, advertising,
 22 and promotion of potatoes in a manner prescribed in this
 23 ~~Act~~ title. Any order issued by the Secretary under this ~~Act~~
 24 title shall hereinafter in this ~~Act~~ title be referred to as a
 25 "plan". Any such plan shall be applicable to potatoes pro-

1 duced in the forty-eight contiguous States of the United
2 States.

3 NOTICE AND HEARING

4 SEC. 5. When sufficient evidence is presented to the
5 Secretary by potato producers, or whenever the Secretary
6 has reason to believe that a plan will tend to effectuate the
7 declared policy of this ~~Act~~ *title*, he shall give due notice and
8 opportunity for a hearing upon a proposed plan. Such
9 hearing may be requested by potato producers or by any
10 other interested person or persons, including the Secretary,
11 when the request for such hearing is accompanied by a pro-
12 posal for a plan.

13 FINDING AND ISSUANCE OF A PLAN

14 SEC. 6. After notice and opportunity for hearing, the
15 Secretary shall issue a plan if he finds, and sets forth in
16 such plan, upon the evidence introduced at such hearing,
17 that the issuance of such plan and all the terms and condi-
18 tions ~~or modifications~~ thereof will tend to effectuate the de-
19 clared policy of this ~~Act~~ *title*.

20 REGULATIONS

21 SEC. 7. The Secretary is authorized to make such regu-
22 lations with the force and effect of law, as may be necessary
23 to carry out the provisions of this ~~Act~~ *title* and the powers
24 vested in him by this ~~Act~~ *title*.

REQUIRED TERMS IN PLANS

SEC. 8. Any plan issued pursuant to this ~~Act~~ *title* shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as “the board”) and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable ex-

1 penses incurred in performing their duties as members of the
2 board.

3 (d) Providing that the board shall prepare and submit
4 to the Secretary for his approval a budget, on a fiscal period
5 basis, of its anticipated expenses and disbursements in the
6 administration of the plan, including probable costs of re-
7 search, development, advertising, and promotion.

8 (e) Providing that the board shall recommend to the
9 Secretary and the Secretary shall fix the assessment rate
10 required for such costs as may be incurred pursuant to sub-
11 section (d) of this section; but in no event shall the assess-
12 ment rate exceed 1 cent per one hundred pounds of potatoes
13 handled.

14 (f) Providing that—

15 (1) funds collected by the board shall be used for
16 research, development, advertising, or promotion of
17 potatoes and potato products and such other expenses
18 for the administration, maintenance, and functioning of
19 the board as may be authorized by the Secretary;

20 (2) no advertising or sales promotion program shall
21 make any reference to private brand names or use false
22 or unwarranted claims in behalf of potatoes or their
23 products or false or unwarranted statements with respect
24 to the attributes or use of any competing products; and

1 (3) no funds collected by the board shall in any
2 manner be used for the purpose of influencing govern-
3 mental policy or action, except as provided by subsection
4 (a) (4) of this section.

5 (g) Providing that, notwithstanding any other pro-
6 visions of this ~~Act~~ *title*, any potato producer against whose
7 potatoes any assessment is made and collected under authority
8 of this ~~Act~~ *title* and who is not in favor of supporting the
9 research and promotion program as provided for under this
10 ~~Act~~ *title* shall have the right to demand and receive from the
11 board a refund of such assessment: *Provided*, That such
12 demand shall be made personally by such producer in accord-
13 ance with regulations and on a form and within a time period
14 prescribed by the board and approved by the Secretary, but
15 in no event less than ninety days, and upon submission of
16 proof satisfactory to the board that the producer paid the
17 assessment for which refund is sought, and any such refund
18 shall be made within sixty days after demand therefor.

19 (h) Providing that the board shall, subject to the pro-
20 visions of subsections (e) and (f) of this section, develop
21 and submit to the Secretary for his approval any research,
22 development, advertising or promotion programs or projects,
23 and that any such program or project must be approved by
24 the Secretary before becoming effective.

25 (i) Providing the board with authority to enter into

1 contracts or agreements, with the approval of the Secretary,
2 for the development and carrying out of research, develop-
3 ment, advertising or promotion programs or projects; and the
4 payment of the cost thereof with funds collected pursuant
5 to this ~~Act~~ *title*.

6 (j) Providing that the board shall maintain books and
7 records and prepare and submit to the Secretary such reports
8 from time to time as may be prescribed for appropriate ac-
9 counting with respect to the receipt and disbursement of
10 funds entrusted to it and cause a complete audit report to be
11 submitted to the Secretary at the end of each fiscal period.

12 PERMISSIVE TERMS IN PLANS

13 SEC. 9. Any plan issued pursuant to this ~~Act~~ *title* may
14 contain one or more of the following terms and conditions:

15 (a) Providing authority to exempt from the provisions
16 of the plan potatoes used for nonfood uses, and authority for
17 the board to require satisfactory safeguards against improper
18 use of such exemptions.

19 (b) Providing for authority to designate different
20 handler payment and reporting schedules to recognize
21 differences in marketing practices and procedures utilized
22 in different production areas.

23 (c) Providing for the establishment, issuance, effectua-
24 tion, and administration of appropriate programs or projects

1 for the advertising and sales promotion of potatoes and
2 potato products and for the disbursement of necessary funds
3 for such purposes: *Provided, however,* That any such pro-
4 gram or project shall be directed toward increasing the
5 general demand for potatoes and potato products: *And pro-*
6 *vided further,* That such promotional activities shall comply
7 with the provisions of section 8 (f) of this ~~Act~~ title.

8 (d) Providing for establishing and carrying on research
9 and development projects and studies to the end that the
10 marketing and utilization of potatoes may be encouraged,
11 expanded, improved, or made more efficient, and for the
12 disbursement of necessary funds for such purposes.

13 (e) Providing for authority to accumulate reserve
14 funds from assessments collected pursuant to this ~~Act~~ title, to
15 permit an effective and continuous coordinated program of re-
16 search ~~and development or~~, *development*, advertising and
17 promotion in years when the production and assessment
18 income may be reduced: *Provided,* That the total reserve
19 fund does not exceed the amount budgeted for two years'
20 operation.

21 (f) Providing for authority to use funds collected herein,
22 with the approval of the Secretary, for the development and
23 expansion of potato and potato product sales in foreign
24 markets.

25 (g) Terms and conditions incidental to and not incon-

1 sistent with the terms and conditions specified in this Act
2 title and necessary to effectuate the other provisions of such
3 plan.

4 ASSESSMENTS

5 SEC. 10. (a) The first handler of potatoes shall be re-
6 sponsible, under the provisions of this Act and any plan
7 issued pursuant to it, for payment to the board of any assess-
8 ments *Each handler designated by the board, pursuant to*
9 *regulations issued under the plan, to make payment of assess-*
10 *ments shall be responsible for payment to the board, as it*
11 *may direct, of any assessment levied on potatoes; and such*
12 *handler may collect from any producer or deduct from the*
13 *proceeds paid to any producer, on whose potatoes such as-*
14 *essment is made, any such assessment required to be paid*
15 *by such handler. Such handler shall maintain a separate*
16 *record with respect to each producer for whom potatoes*
17 *were handled, and such records shall indicate the total*
18 *quantity of potatoes handled by him including those handled*
19 *for producers and for himself, shall indicate the total*
20 *quantity of potatoes handled by him which are included*
21 *under the terms of a plan as well as those which are exempt*
22 *under such plan, and shall indicate such other information*
23 *as may be prescribed by the board. To facilitate the collec-*
24 *tion and payment of such assessments, the board may desig-*
25 *nate different handlers or classes of handlers to recognize dif-*

1 *ference in marketing practices or procedures utilized in any*
2 *State or area. No more than one such assessment shall be*
3 *made on any potatoes.*

4 (b) Handlers responsible for collection of assessments
5 under subsection (a) of this section shall maintain and make
6 available for inspection by the Secretary such books and
7 records as required by the plan and file reports at the times,
8 in the manner, and having the content prescribed by the plan,
9 to the end that information and data shall be made available
10 to the board and to the Secretary which is appropriate or
11 necessary to the effectuation, administration, or enforcement
12 of this ~~Act~~ *title* or of any plan or regulation issued pursuant
13 to this ~~Act~~ *title*.

14 (c) All information obtained pursuant to subsections
15 (a) and (b) of this section shall be kept confidential by all
16 officers and employees of the Department of Agriculture and
17 of the board, and only such information so furnished or
18 acquired as the Secretary deems relevant shall be disclosed
19 by them, and then only in a suit or administrative hearing
20 brought at the direction, or upon the request, of the Secre-
21 tary, or to which he or any officer of the United States is a
22 party, and involving the plan with reference to which the
23 information to be disclosed was furnished or acquired.
24 Nothing in this section shall be deemed to prohibit—

25 (1) the issuance of general statements based upon

1 the reports of a number of handlers subject to a plan
2 if such statements do not identify the information fur-
3 nished by any person, or

4 (2) the publication by direction of the Secretary
5 of the name of any person violating any plan together
6 with a statement of the particular provisions of the plan
7 violated by such person.

8 Any such officer or employee violating the provisions of this
9 subsection shall upon conviction be subject to a fine of not
10 more than \$1,000 or imprisonment for not more than one
11 year, or both, and shall be removed from office.

12 PETITION AND REVIEW

13 SEC. 11. (a) Any person subject to a plan may file a
14 written petition with the Secretary, stating that such plan
15 or any provision of such plan or any obligation imposed in
16 connection therewith is not in accordance with law and
17 praying for a modification thereof or to be exempted there-
18 from. He shall thereupon be given an opportunity for a hear-
19 ing upon such petition, in accordance with regulations made
20 by the Secretary. After such hearing, the Secretary shall
21 make a ruling upon the prayer of such petition which shall
22 be final, if in accordance with law.

23 (b) The district courts of the United States in any dis-
24 trict in which such person is an inhabitant, or has his prin-

1 cipal place of business, are hereby vested with jurisdiction to
 2 review such ruling: *Provided*, That a complaint for that pur-
 3 pose is filed within twenty days from the date of the entry of
 4 such ruling. Service of process in such proceedings may be
 5 had upon the Secretary by delivering to him a copy of the
 6 complaint. If the court determines that such ruling is not in
 7 accordance with law, it shall remand such proceedings to the
 8 Secretary with directions either (1) to make such ruling as
 9 the court shall determine to be in accordance with law, or
 10 (2) to take such further proceedings as, in its opinion, the
 11 law requires. The pendency of proceedings instituted pur-
 12 suant to subsection (a) of this section shall not impede,
 13 hinder, or delay the United States or the Secretary from
 14 obtaining relief pursuant to section 12 (a) of this ~~Act~~ *title*.

15 ENFORCEMENT

16 SEC. 12. (a) The several district courts of the United
 17 States are vested with jurisdiction specifically to enforce, and
 18 to prevent and restrain any person from violating any plan
 19 or regulation made or issued pursuant to this ~~Act~~ *title*.

20 (b) Any handler who ~~willfully~~ violates any provisions
 21 of any plan issued by the Secretary under this ~~Act~~ *title*, or
 22 who ~~willfully~~ fails or refuses to remit any assessment or fee
 23 duly required of him thereunder shall be subject to criminal
 24 prosecution and shall be liable to a penalty of ~~not fined not~~
 25 *less than \$100 or more than \$1,000* for each such offense

1 which shall accrue to the United States and in addition shall
2 be subject to civil suit brought by the United States to collect
3 any unpaid assessments levied under this Act.

4 INVESTIGATION AND POWER TO SUBPENA

5 SEC. 13. (a) The Secretary may make such investi-
6 gations as he deems necessary for the effective carrying out
7 of his responsibilities under this ~~Act~~ *title* or to determine
8 whether a handler or any other person has engaged or is
9 engaging in any acts or practices which constitute a violation
10 of any provision of this ~~Act~~ *title*, or of any plan, or rule or
11 regulation issued under this ~~Act~~ *title*. For the purpose of
12 any such investigation, the Secretary is empowered to ad-
13 minister oaths and affirmations, subpoena witnesses, compel
14 their attendance, take evidence, and require the production
15 of any books, papers, and documents which are relevant to
16 the inquiry. Such attendance of witnesses and the produc-
17 tion of any such records may be required from any place in
18 the United States. In case of contumacy by, or refusal to
19 obey a subpoena issued to, any person, including a handler,
20 the Secretary may invoke the aid of any court of the United
21 States within the jurisdiction of which such investigation or
22 proceeding is carried on, or where such person resides or
23 carries on business, in requiring the attendance and testimony
24 of witnesses and the production of books, papers, and docu-
25 ments; and such court may issue an order requiring such

1 person to appear before the Secretary, there to produce
2 records, if so ordered, or to give testimony touching the
3 matter under investigation. Any failure to obey such order
4 of the court may be punished by such court as contempt
5 thereof. All process in any such case may be served in the
6 judicial district whereof such person is an inhabitant or
7 wherever he may be found. The site of any hearings held
8 under this section shall be within the judicial district where
9 such handler or other person is an inhabitant or has his
10 principal place of business.

11 (b) No person shall be excused from attending and
12 testifying or from producing books, papers, and documents
13 before the Secretary, or in obedience to the subpoena of the
14 Secretary, or in any cause or proceeding, criminal or other-
15 wise, based upon, or growing out of any alleged violation
16 of this ~~Act~~ *title*, or of any plan, or rule or regulation issued
17 thereunder on the ground or for the reason that the testimony
18 or evidence, documentary or otherwise, required of him may
19 tend to incriminate him or subject him to a penalty or for-
20 feiture; but no individual shall be prosecuted or subjected
21 to any penalty or forfeiture for or on account of any trans-
22 action, matter, or thing concerning which he is compelled,
23 after having claimed his privilege against self-incrimination,
24 to testify or produce evidence, documentary or otherwise,
25 except that any individual so testifying shall not be exempt

1 from prosecution and punishment for perjury committed in
2 so testifying.

3 REQUIREMENT OF REFERENDUM

4 SEC. 14. The Secretary shall conduct a referendum
5 among producers who, during a representative period de-
6 termined by the Secretary, have been engaged in the produc-
7 tion of potatoes for the purpose of ascertaining whether the
8 issuance of a plan is approved or favored by producers. No
9 plan issued pursuant to this ~~Act~~ *title* shall be effective unless
10 the Secretary determines that the issuance of such plan is
11 approved or favored by not less than two-thirds of the pro-
12 ducers voting in such referendum, or by the producers of not
13 less than two-thirds of the potatoes produced during the rep-
14 resentative period by producers voting in such referendum,
15 and by not less than a majority of the producers voting in
16 such referendum. The ballots and other information or re-
17 ports which reveal or tend to reveal the vote of any producer
18 or his production of potatoes shall be held strictly confiden-
19 tial and shall not be disclosed. Any officer or employee of the
20 Department of Agriculture violating the provisions hereof
21 shall upon conviction be subject to the penalties provided in
22 paragraph 10 (c) above.

23 SUSPENSION OR TERMINATION OF PLANS

24 SEC. 15. (a) The Secretary shall, whenever he finds
25 that a plan or any provision thereof obstructs or does not tend

1 to effectuate the declared policy of this ~~Act~~ *title*, terminate
2 or suspend the operation of such plan or such provision
3 thereof.

4 (b) The Secretary may conduct a referendum at any
5 time and shall hold a referendum on request of the board
6 or of 10 per centum or more of the potato producers to de-
7 termine if potato producers favor the termination or sus-
8 pension of the plan, and he shall terminate or suspend such
9 plan at the end of the marketing year whenever he deter-
10 mines that such suspension or termination is favored by a
11 majority of those voting in a referendum, and who produce
12 more than 50 per centum of the volume of the potatoes pro-
13 duced by the potato producers voting in the referendum.

14 AMENDMENT PROCEDURE

15 SEC. 16. The provisions of this ~~Act~~ *title* applicable to
16 plans shall be applicable to amendments to plans.

17 SEPARABILITY

18 SEC. 17. If any provision of this ~~Act~~ *title* or the applica-
19 tion thereof to any person or circumstances is held invalid,
20 the validity of the remainder of this ~~Act~~ *title* and of the appli-
21 cation of such provision to other persons and circumstances
22 shall not be affected thereby.

23 AUTHORIZATION

24 SEC. 18. There is hereby made available from the funds
25 provided by section 32 of Public Law 320, Seventy-fourth

1 Congress (49 Stat. 774) , as amended (7 U.S.C. 612c) , such
 2 sums as are necessary to carry out the provisions of this
 3 ~~Act~~ *title*: *Provided*, That no such sum shall be used for the
 4 payment of any expenses or expenditures of the board in
 5 administering any provision of any plan issued under author-
 6 ity of this ~~Act~~ *title*.

7 EFFECTIVE DATE

8 SEC. 19. This ~~Act~~ *title* shall take effect upon enactment:

9 *TITLE II—TOMATO ADVERTISING PROJECTS*

10 *SEC. 201. Section 8c(6)(I) of the Agricultural Adjust-*
 11 *ment Act, as amended, and as reenacted and amended by the*
 12 *Agricultural Marketing Agreement Act of 1937, as amended,*
 13 *is amended by striking out "or avocados" in the proviso, and*
 14 *inserting in lieu thereof "avocados, or tomatoes".*

Amend the title so as to read: "An Act to provide for potato and tomato promotion programs".

A BILL

To enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer.

By Mr. YOUNG of North Dakota, Mr. ALLOTY, Mr. BURDICK, Mr. CHURCH, Mr. CRANSTON, Mr. FANNIN, Mr. GOLDSWATER, Mr. HARTFIELD, Mr. JORDAN of Idaho, Mr. JORDAN of North Carolina, Mr. MAGNUSON, Mr. MONDALE, Mr. MURPHY, Mr. MUSKIE, and Mrs. SMITH of Maine

FEBRUARY 28, 1969

Read twice and referred to the Committee on
Agriculture and Forestry

SEPTEMBER 18, 1969

Reported with amendments

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued October 16, 1969
For actions of October 15, 1969
91st - 1st, No. 168

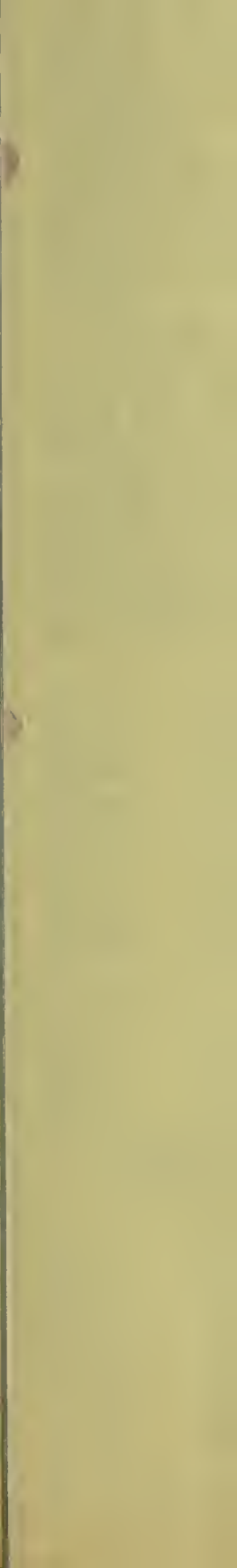
CONTENTS

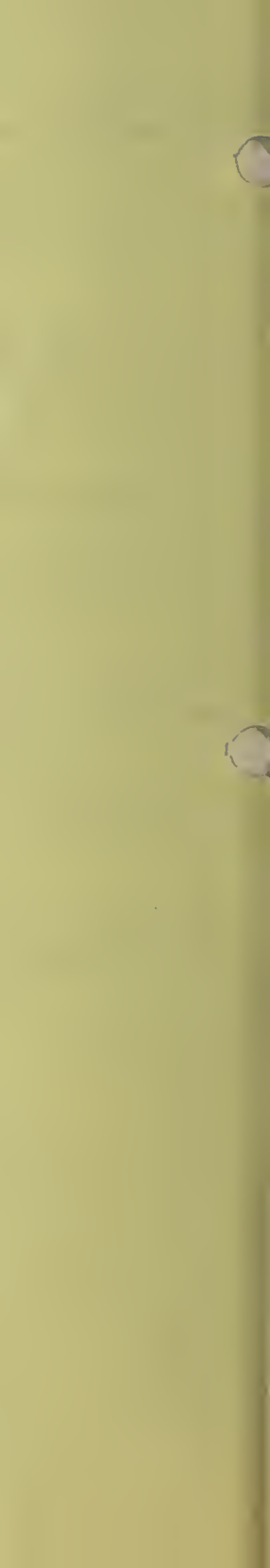
Appalachia.....2	Grants-in-aid.....19	Recreation.....24
Appropriations.....3	Inflation.....22,25	Retirees.....28
Claims.....18	Land use policy.....6	School lunch.....9
Consumers.....17,27	Management.....14	Social security.....12
Corporation farming.....20	Oceanography.....29	Taxation.....8
Environment.....30,33	Opinion poll.....21	Timber.....26
Farm program.....38	Parity.....11	Water pollution.....7,23
Financial disclosure....36	Peace corps.....15	Unemployment.....13,22
Fiscal year.....32,37	Pesticides.....5,17,33	Welfare.....34
Fishing rights.....35	Population.....10,30	Youth corps.....4
Foods.....17,31	Potatoes.....1	
Forest Service.....3	President's message.....16	

HIGHLIGHTS: Both Houses agreed to conference report on Interior appropriations bill. Senate began debate on potato research and promotion bill.

SENATE

1. POTATOES. Began debate on S. 1181, the potato research and promotion bill.
pp. S12677-81
2. APPALACHIA. Both Houses received from the President the Appalachian Regional Commission's report, Acid Mine Drainage in Appalachia. pp. S12609, H9580
Sen. Randolph criticized the Administration's "delay" in reporting to the Congress on the acid mine drainage in Appalachia. pp. S12628-9
3. APPROPRIATIONS. Both Houses agreed to the conference report on H. R. 12781, the Department of the Interior and related agencies appropriation bill, 1970 (pp. S12682-7, H9580-3). For a table reflecting conferee action on this bill, see Digest 167. This bill will now be sent to the President.
4. YOUTH CORPS. Received from GAO a report on the effectiveness and administrative efficiency of the Department of Labor's Neighborhood Youth Corps program in selected rural areas of Minnesota. p. S12619
5. PESTICIDES. Sen. Nelson inserted material expressing concern about the contamination of our environment from DDT. p. S12633
6. LAND USE POLICY. Sen. Mondale stated, "I feel that we are coming to realize,the single most important obstacle to improved growth, and that is the lack of a national land use policy. pp. S12633-6
7. WATER POLLUTION. Sen. Nelson inserted several articles regarding water pollution control. pp. S12636-8
8. TAXATION. Sen. Metcalf inserted the introductory section of the DSG Fact Book on Tax Reform. pp. S12638-40
Sen. Long inserted a press release reflecting committee action on the tax reform bill in the areas which affect restricted property, income averaging, moving expenses, qualified pension and other plans. pp. S12642-3
9. SCHOOL LUNCH. Sen. Hruska commended National School Lunch Week, October 12-18. p. S12643
10. POPULATION. Sen. Tydings discussed and inserted a study "Effects of Family Planning on Poverty in the United States, October 1967." pp. S12651-8





from Florida (Mr. GURNEY), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS), are absent on official business.

The Senator from Illinois (Mr. SMITH) is absent because of death in his family.

The Senator from Ohio (Mr. SAXBE) is detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOPER), and the Senator from Florida (Mr. GURNEY) would each vote "yea."

The pair of the Senator from South Dakota (Mr. MUNDT) has been previously announced.

On this vote, the Senator from Arizona (Mr. FANNIN) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Arizona would vote "yea," and the Senator from Massachusetts would vote "nay."

On this vote, the Senator from California (Mr. MURPHY) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from California would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Alaska (Mr. STEVENS) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Alaska would vote "yea," and the Senator from Illinois would vote "nay."

On this vote, the Senator from Arizona (Mr. GOLDWATER) is paired with the Senator from New York (Mr. JAVITS). If present and voting, the Senator from Arizona would vote "yea," and the Senator from New York would vote "nay."

The result was announced—yeas 40, nays 21, as follows:

[No. 126 Leg.]

YEAS—40

Allen	Ellender	Montoya
Allott	Ervin	Moss
Anderson	Fong	Pearson
Bellmon	Gravel	Randolph
Bible	Hansen	Russell
Burdick	Hatfield	Scott
Byrd, Va.	Holland	Smith, Maine
Byrd, W. Va.	Hruska	Stennis
Cannon	Jackson	Thurmond
Church	Jordan, Idaho	Tower
Curtis	Magnuson	Yarborough
Dole	Mansfield	Young, N. Dak.
Dominick	McClellan	
Eastland	Miller	

NAYS—21

Alken	Hollings	Prouty
Boggs	Jordan, N.C.	Proxmire
Case	Long	Ribicoff
Cotton	Mathias	Schweiker
Gore	Nelson	Talmadge
Griffin	Packwood	Tydings
Hartke	Pastore	Williams, Del.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Bennett, against.

NOT VOTING—38

Baker	Harris	Murphy
Bayh	Hart	Muskie
Brooke	Hughes	Pell
Cook	Inouye	Percy
Cooper	Javits	Saxbe
Cranston	Kennedy	Smith, Ill.
Dodd	McCarthy	Sparkman
Eagleton	McGee	Spong
Fannin	McGovern	Stevens
Fulbright	McIntyre	Symington
Goldwater	Metcalf	Williams, N.J.
Goode	Mondale	Young, Ohio
Gurney	Mundt	

So Mr. DOMINICK's amendment in the nature of a substitute was agreed to.

Mr. DOMINICK. Mr. President, I move that the vote by which the amendment in the nature of a substitute was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. BELLMON in the chair). The question is engrossment and third reading the joint resolution.

The joint resolution, Senate Joint Resolution 158, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 158

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended—

(1) by inserting "one-dollar pieces," after "pursuant to this section" in subsection (a);

(2) by redesignating paragraphs (1), (2), and (3) in subsection (a) as paragraphs (2), (3), and (4), respectively, and by inserting before redesignated paragraph (2) a new paragraph as follows:

"(1) the dollar shall have—

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of eight hundred parts of silver and two hundred parts copper; and

"(C) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 0.837 grams of silver and 14.755 grams of copper"; and

(3) by inserting at the end of such section the following new subsections:

"(d) The dollars initially minted under the authority of subsection (a) shall bear the likeness of the late President of the United States, Dwight David Eisenhower.

"(e) Commencing on January 1, 1970, and until such time as the supply of silver available to the Treasury on January 1, 1970, for coinage purposes is exhausted, or December 31, 1972, whichever is earlier, the Secretary shall cause to be minted and issued dollars authorized by subsection (a) at a rate of not less than one-hundred million coins annually."

(b) Effective on January 1, 1973, or on such earlier date as the President shall by proclamation declare that the supply of silver available to the Treasury for coinage purposes is exhausted, section 101 of the Coinage Act of 1965 is amended to read as follows:

"Sec. 101. The Secretary may coin and issue one-dollar pieces, half dollars or 50-cent pieces, quarter dollars or 25-cent pieces, and dimes or 10-cent pieces in such quantities as he may determine to be necessary to meet national needs. Any coin minted under authority of this section shall be a clad coin the weight of whose cladding is not less than 30 per centum of the weight of the entire coin, and which meets the following additional specifications:

"(1) The dollar shall have—

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 22.68 grams.

"(2) The half dollar shall have—

"(A) a diameter of 1.205 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 11.34 grams.

"(3) The quarter dollar shall have—

"(A) a diameter of 0.955 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight

of the whole coin is 5.67 grams.

"(4) The dime shall have—

"(A) a diameter of 0.705 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 2.268 grams."

Mr. MANSFIELD. Mr. President, I move that the vote by which the joint resolution was agreed to be reconsidered.

Mr. DOMINICK. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

A joint resolution to authorize the minting of clad silver dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

Mr. MANSFIELD. Mr. President, the ranking minority member of the Banking and Currency Committee, the distinguished senior Senator from Utah (Mr. BENNETT), is to be congratulated on his expert handling of this measure involving the Eisenhower dollar. The Senate is indebted to him for the splendid manner in which he presented this proposal.

The outstanding contribution of the distinguished Senator from Colorado (Mr. DOMINICK) also deserves our praise. His thoughtful views, able and effective advocacy, and fine skill and ability assured the adoption of his amendment.

Joining also in discussing the measure was the distinguished senior Senator from Nevada (Mr. Bible). His strong and sincere views are always thoughtful and always welcome.

As always, we appreciate also having the benefit of the views of the distinguished senior Senator from Rhode Island (Mr. PASTORE) on this proposal. His eloquence and effective advocacy add a great deal to any discussion.

Unfortunately, the chairman of the Banking and Currency Committee, the senior Senator from Alabama (Mr. SPARKMAN) is away today on official business. We do wish to thank him and his committee for their dispatch and efficiency in steering this measure through the committee.

Finally, to those Senators who participated, I wish to offer my thanks and to note particularly the splendid cooperation exhibited by all.

POTATO RESEARCH AND PROMOTION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 412, S. 1181. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1181) to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products by improving the quality of potatoes and potato products that are made available to the consumer.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, after the enacting clause, insert:

TITLE I—POTATO RESEARCH AND PROMOTION

At the beginning of line 4, strike out "That this Act" and insert "This title"; on page 2, line 2, after "SEC. 2", strike out "It" and insert:

Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of \$561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

At the beginning of line 23, insert "Therefore, it"; in line 24, after the word "this" strike out "Act" and insert "title"; on page 3, line 10, after the word "this" strike out "Act" and insert "title"; in line 18, after the word "person", strike out "who handles potatoes except a common or contract carrier of potatoes owned by another person" and insert "(except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder."; after line 24, strike out:

(e) The term "handle" means to transport or sell potatoes or otherwise place potatoes in the current of commerce; except that the sale of unharvested potatoes and the transfer or delivery of potatoes from the farm on which they are produced to a temporary storage facility, packing shed, or processing plant shall not be considered handling.

On page 4, at the beginning of line 5, strike out "(f)" and insert "(e)"; at the beginning of line 7, strike out "(g)" and insert "(f)"; at the beginning of line 9, strike out "Act" and insert "title"; in line 14, after the word "this", strike out "Act" and insert "title"; in line 15, after the word "this" strike out "Act" and insert "title"; in line 20, after the word "this" strike out "Act" and insert "title"; at the beginning of line 23, strike out "Act" and insert "title"; in the same line, after the word "this" strike out "Act" and insert "title"; in line 24, after the word "this" strike out "Act" and insert

"title"; on page 5, line 7, after the word "this" strike out "Act" and insert "title"; at the beginning of line 18, after the word "conditions" strike out "or modifications"; in line 19, after the word "this" strike out "Act" and insert "title"; in line 23, after the word "this" strike out "Act" and insert "title"; in line 24, after the word "this" strike out "Act" and insert "title"; on page 6, line 2, after the word "this" strike out "Act" and insert "title"; on page 8, line 6, after the word "this" strike out "Act" and insert "title"; in line 8, after the word "this", strike out "Act" and insert "title"; at the beginning of line 10, strike out "Act" and insert "title"; on page 9, line 5, after the word "this" strike out "Act" and insert "title"; in line 13, after the word "this" strike out "Act" and insert "title"; on page 10, line 7, after the word "this", strike out "Act" and insert "title"; in line 14, after the word "this" strike out "Act" and insert "title"; in line 16, after the word "research", strike out "and development or," and insert "development"; on page 11, line 1, after the word "this", strike out "Act" and insert "title"; in line 5, after "Sec. 10) (a)", strike out "The first handler of potatoes shall be responsible, under the provisions of this Act and any plan issued pursuant to it, for payment to the board of any assessments" and insert "Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment" in line 23, after the word "board," insert:

To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

On page 12, line 12, after the word "this", strike out "Act" and insert "title"; in line 13, after the word "this" strike out "Act" and insert "title"; on page 14, line 14, after the word "this", strike out "Act" and insert "title"; in line 19, after the word "this", strike out "Act" and insert "title"; in line 20, after the word "who", strike out "willfully"; in line 21, after the word "this" strike out "Act" and insert "title"; in line 22, after the word "who" strike out "willfully"; in line 24, after the word "be" strike out "liable to a penalty of not" and insert "fined not less than \$100 or"; at the top of page 15, strike out "which shall accrue to the United States and in addition shall be subject to civil suit brought by the United States to collect any unpaid assessments levied under this Act."; in line 7, after the word "this", strike out "Act" and insert "title"; in line 10, after the word "this", strike out "Act" and insert "title"; in line 11, after the word "this", strike out "Act" and insert "title"; on page 16, line 16, after the word "this", strike out "Act" and insert "title"; on page 17, line 9, after the word "this", strike out "Act" and insert "title"; on page 18, line 1, after the word "this", strike out "Act" and insert "title"; in line 15, after the word "this", strike out "Act" and insert "title"; in line 18, after the word "this", strike out "Act"

and insert "title"; in line 20, after the word "this", strike out "Act" and insert "title"; on page 19, at the beginning of line 3, strike out "Act" and insert "title"; in line 6, after the word "this" strike out "Act" and insert "title"; in line 8, after the word "This", strike out "Act" and insert "title"; and after line 8, insert a new title, as follows:

TITLE II—TOMATO ADVERTISING PROJECTS

SEC. 201. Section 8c(6) (I) of the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or avocados" in the proviso, and inserting in lieu thereof "avocados, or tomatoes".

So as to make the bill read:

S. 1181

A bill to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of \$561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 3. As used in this title—

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive position and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 4. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARING

SEC. 5. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 6. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 7. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 8. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may

be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a) (4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 9. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however*, That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further*, That such promotional activities shall comply with the provisions of section 8(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising and promotion in years when the production and assessment income may be reduced: *Provided*, That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 10. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for collection of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall

be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 11. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 12(a) of this title.

ENFORCEMENT

SEC. 12. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than \$100 or more than \$1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 13. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of

this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpoena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issue thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 14. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 10(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 15. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or

suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 16. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 17. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 18. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 19. This title shall take effect upon enactment:

TITLE II—TOMATO ADVERTISING PROJECTS

SEC. 201. Section 8c(6) (I) of the Agriculture Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or avocados" in the proviso, and inserting in lieu thereof "avocados, or tomatoes".

Mr. YOUNG of North Dakota. Mr. President, I am pleased that action is being taken on the legislation introduced by myself and virtually every Member of the Senate from major potato-producing areas to authorize a national potato promotion program in order to assist potato producers to expand their markets and improve their products.

This legislation is a serious attempt, through "self-help" legislation, to assist an important commodity group in solving some of the problems of the industry. There is a definite need for this legislation which will help potato producers to work cooperatively to solve their own problems.

While potatoes are one of the most important crops grown in this country—an average annual production of about 300 million hundredweight for the past 3 years—they are not a price supported commodity. There are no guaranteed prices, acreage allotments, or loan programs. With potatoes at the mercy of a competitive market and confronted with a static demand, it has been impossible to maintain a reasonable and stable market for the grower. Largely because of this, we lost 55 percent of our potato farmers between 1955 and 1964. Over one-half were eliminated in 5 years. Indications are that the trend has continued since 1964.

Part of the problem has been the inability of the industry to do anything to improve the overall quality of fresh potatoes sold in retail stores. Many Members of Congress have received complaints from their constituents about the poor quality of potatoes offered for sale. With the enactment of this legislation, the growers will be able to make effective efforts to upgrade and improve the product available to the consumer.

Many people have cut down or quit eating potatoes entirely because they think potatoes are a fattening food. They are not. Potatoes are an important vegetable. They supply substantial amounts of vitamin C and the B vitamins as well as essential minerals. At the same time, the calorie count of potatoes is much less than many of the food products substituted for them. Pound for pound, potatoes provide more nutritional value for the money spent than almost any other food. It is to the best interest of the consumer that he be fully aware of the important qualities of this wonderful vegetable.

Dehydrated potato products could become an important part of future programs to supply food to famine-stricken areas of the world. Through research, dehydrated potatoes could become the base for a complete balanced diet which, in a compact, dry form, could be shipped any place in the world and there reconstituted into an appetizing, hearty meal.

This is enabling legislation which would allow the potato farmers to decide by referendum whether or not they want to dedicate a portion of their sales proceeds to conduct and pay for marketing research, public relations and promotion projects, and to be able to offer an improved product to the consumer.

It would require a two-thirds majority vote by producers to establish a program under this proposed act.

If at any time the program were not successful, it could be voted out by a simple majority. Even with a program in effect, growers who did not wish to participate could request and receive a refund of any funds withheld from their sales. The provision providing for producer contributions and for refunds, if desired, is substantially the same as contained in promotion programs which cover many other agricultural products.

The maximum allowable withholding would be 1 cent per hundredweight of potatoes sold. It is estimated that this would provide between \$1½ to \$2 million annually for the various programs.

A National Potato Promotion Board composed of growers would be selected to design and carry out the program. The members of the Promotion Board would be appointed by the Secretary of Agriculture from nominations submitted to him by potato producers.

It would be the responsibility of the Secretary of Agriculture to see that the Board did not undertake programs not authorized by the act. The Board would also give full financial reports on all collections and expenditures. The act specifically prohibits the use of any funds collected under the act for lobbying or

otherwise influencing government policy or actions.

Mr. President, potato farmers should have a chance to accept or reject this program. It is my understanding that this legislation is supported by every potato grower's association, commission, or other organized group exclusively representing potato growers. It has also been endorsed by many of the representatives of the potato shipping, processing, and distribution industries. In addition, it is actively supported by many equipment manufacturers, supply firms and chemical companies which depend on the potato industry for a substantial part of their business.

In order for the Potato Research and Promotion Act to become effective, it will require positive initiative on the part of the potato growers of this country. When they exhibit this initiative, the resulting program will be their program.

In addition, there is the great psychological influence created by the fact that it is the grower's money that is being spent. He will make every effort to make the program work or he will get rid of it. Success will mean a degree of stability for the potato producer and a better quality product for the consumer.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be no further votes this afternoon.

It is hoped that those who have any comments to make on S. 1181 and desire to make them this afternoon will do so.

It is anticipated that the Senate will consider S. 1181, and S. 2214, both potato bills, and, hopefully, dispose of them tomorrow.

Following consideration of these two bills, the Senate will then turn to the consideration of S. 1508, a bill to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States; to be followed by S. 2452, a bill to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services.

SENATE RESOLUTION 274 AND SENATE RESOLUTION 275—SUBMISSION OF RESOLUTIONS CONCERNING VIETNAM

Mr. SCOTT. Mr. President, I submit two resolutions for appropriate reference on behalf of myself and the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), and ask that they both be stated.

The PRESIDING OFFICER. The resolutions will be stated.

The assistant legislative clerk read as follows:

S. RES. 274

Whereas responsible dissent and freedom of speech are among the most sacred traditions of the American people: and

Whereas many Americans are demonstrating in the Vietnam moratorium their con-

cern for peace pursuant to rights enjoyed under the Constitution of the United States, from which springs our Nation's deep commitment to peaceful debate, and the essence of our free political system;

Resolved, That the Senate reasserts the Constitutional right of all Americans to assemble peacefully to petition their government.

Mr. MANSFIELD. Mr. President, the request was made that this resolution be appropriately referred. I now ask that the second resolution be read and that both of them be referred to the appropriate committee.

The PRESIDING OFFICER. The second resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 275

Whereas the Premier of North Vietnam has publicly described the Vietnam moratorium in an open letter to the American people as "their fall offensive" aimed at forcing the United States "to withdraw completely and unconditionally" from Vietnam;

Whereas the said Premier's letter to the American people is a blatant and insolent intrusion into the affairs of the American people;

Resolved by the Senate, That we abhor the attempt of Premier Phan Van Dong to associate Americans who demonstrate for peace with the cause of North Vietnam; and

Resolved further, That the Senate repudiates the Premier's letter and the intrusion which it represents into the Constitutional right of Americans to assemble peacefully to petition their Government.

The PRESIDING OFFICER. Without objection, both resolutions will be received and appropriately referred.

The resolution (S. Res. 274) reasserting the right of Americans to assemble peacefully to petition their government, submitted by Mr. SCOTT (for himself and Mr. MANSFIELD), was referred to the Committee on the Judiciary.

The resolution (S. Res. 275) relative to the intrusion of the Premier of North Vietnam into the affairs of the United States, submitted by Mr. SCOTT (for himself and Mr. MANSFIELD), was referred to the Committee on Foreign Relations.

Mr. SCOTT. Mr. President, these two resolutions, I am sure, will express the sentiments of Senators and of the American people.

The first one reaffirms the right of free petition and the right of dissent.

The second one expresses the resentment of the Senate at the intolerable and insulting intrusion of the Premier of North Vietnam into the domestic affairs of Americans and his attempt to associate the aims of his government, which we regard as wholly dissimilar to ours, with the aims of peaceful Americans who certainly wish to be disassociated from the intent and the attempt of the Premier of North Vietnam to include them.

I ask unanimous consent that all Senators who wish to associate themselves with these resolutions, have until the remainder of the session today to do so; and, of course, in accordance with recent custom, thereafter they may do so by request.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE OF LABOR AND WELFARE COMMITTEE FROM CONSIDERATION OF S. 3008 TO BE REFERRED TO THE FINANCE COMMITTEE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Labor and Public Welfare Committee be discharged from further consideration of S. 3008, to increase financing for veterans and to increase the income of the national service life insurance fund, and that the bill be referred for consideration to the Finance Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1970—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I rise for a privileged matter.

I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12781) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of October 14, 1969, p. H9452, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BIBLE. Mr. President, so that Members of the Senate who are interested in the bill may have notice that the report is now before the Senate for final consideration, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, there is before the Senate for its final consideration the conference report on the Interior appropriation bill for fiscal year 1970. The bill, as it passed the Senate, provided for appropriations totaling \$1,548,664,900 for the agencies and bureaus of the Department of the Interior, exclusive of the Federal Water Pollution Control Administration, the Bureau of Reclamation and the power marketing agencies, and various related agencies, including the U.S. Forest Service and the Division of Indian Health.

The conference committee bill provides appropriations totaling \$1,546,273,300 for the programs and activities of these agencies. This total is under the

budget estimates of \$1,569,454,500 by \$23,181,200; over the House bill of \$1,540,184,700 by \$6,088,600; and under the Senate bill of \$1,548,664,900 by \$2,391,600. The bill as passed by the Senate was greater than the House bill by \$8,480,200.

I ask unanimous consent to have included in the RECORD, at the conclusion of my remarks, a tabulation setting out the appropriation for the current year, the budget estimate, the House allowance, the Senate allowance, and the conference allowance for each appropriation in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIBLE. Mr. President, the major changes from the Senate bill were a reduction of \$800,000 for Indian children kindergartens in public schools; a reduction of \$340,000 in the amount allowed for salaries and expenses of the Bureau of Outdoor Recreation; an increase of \$640,000 for the geological survey; a reduction of \$2,200,000 in the amount of borrowing authority for the helium program; an increase of \$563,000 for commercial fishery resource disaster aid; a reduction of \$1,400,000 for the migratory bird program; an increase of \$1,636,000 for the Forest Service; and a reduction of \$1,083,000 for Indian health services.

When the Interior appropriation bill was before the Senate, close attention was given to two matters which are affected by the conference agreement. A word about these would be in order.

First, the Senate deleted an unbudgeted \$563,000 from the House bill for research on utilization of pollock. The Senate conferees receded on this amount and it is included in the total appropriation. The statement of the conferees indicates that this sum, together with such carryover balances as there are, shall be available for commercial fishery resource disaster aid in such manner as the Secretary of the Interior may direct. In other words, the full amount of this appropriation as well as all the carryover balance will not be available solely for pollock research as was contemplated by the House bill.

The second matter, and the one on which most time was spent in the Senate, is education of Indian children. Of the several items in this category, only that pertaining to kindergartens in public schools was in conference. The budget estimate for this was \$2.3 million. As the bill came to us from the House of Representatives, this item was deleted. It was restored on the floor of the Senate, and, by agreement by me and other members of the Appropriations Subcommittee, the amount of \$2.3 million was placed in the bill.

Before the conferees met, the Department of the Interior advised that because of the lateness in the year only \$1,923,000 was needed. The Senate conferees tried to get agreement on this amount but were able to persuade the House Members of the conference to agree to only \$1,500,000.

However, it is my feeling—and I believe it is one that is shared by the other conferees on the Senate side—that by the time necessary contracts can be ex-

ecuted with the several State education agencies, this sum will be sufficient for the fiscal year 1970. It seems unlikely that new kindergarten classes can be initiated before the start of a new school semester next January.

I think the opening varies from school to school, but it is somewhere between the 5th of January and the 15th or 20th of January. So there would appear to be some lag in time for commencing the program. There also is the advantage that a new program is underway and this amount will be a part of the Indian education budget base next year.

Frankly, I thought Senators who pressed for the amendment on the floor—and it had a very broad-based sponsorship—made an excellent case. It is one on which I think we can put emphasis in the years ahead.

With regard to another item in this bill, I should note that the House conferees refused to recede with respect to the House action abolishing the Temporary Commission on Pennsylvania Avenue.

I regret that action. I think the Temporary Commission on Pennsylvania Avenue is doing excellent work in its field. I do not know the reason why the conferees of the House felt so adamant, but they indicated that if the administration desires to continue the commission in operation, money may be provided from funds available to the President so this work can go on. The most troublesome point seemed to be that we did not have a clear legislative mandate. For those reasons, we acceded to the House of Representatives.

The land and water conservation fund allocations were worked out on a compromise basis. Funds are provided for the payment of a recent court judgment for the Padre Island National Seashore.

The House has concurred with the Senate position that the appropriations from the land and water conservation fund should be equally allocated to the States' program and that of the Federal Government. As chairman of the Parks Subcommittee of the Senate Committee on Interior and Insular Affairs I endorse this position, especially in view of about a half billion dollars worth of authorized land acquisitions for Federal recreation areas which still must be purchased.

I should rephrase that, and say there is a backlog such that if we had \$500 million today, it would barely be enough money to acquire the land within the parks we have already authorized. So there is, first, a great timelag, and second, a great increase in the prices of these acquisitions. The total increases annually because of price increases, and also becomes larger each time the Congress authorizes establishment of a new recreation area or enlargement of an existing one. The conferees do include in the report a statement that payments to States should be accelerated when the backlog of Federal acquisition requirements has been materially reduced.

Because two almost identical 200,000 dollar items appeared in the budget for the National Endowment for the Humanities relating to the bicentennial of the American Revolution, the Senate reduced one of them by one-half. The Senate conferees receded on this reduc-



Oct 16, 1969

SENATE

12. POTATOES. Passed with amendments S. 1181, to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer. As passed, the bill also includes tomatoes. pp. S12753, S12754-9
Passed as reported S. 2214, to exclude potatoes for all types of processing from provisions of the Agricultural Marketing Agreement Act. pp. S12759-60
13. PEACE CORPS. Both Houses adopted the conference report on H. R. 11039, the Peace Corps authorization bill. This bill will now be sent to the President. pp. H9654-5, S12771
14. CLEAN AIR. Agreed to S. Res. 267, a resolution to print "The Cost of Clean Air" as a Senate Document. p. S12697
15. LEGISLATIVE RECORD. Sen. Mansfield discussed and inserted a summary of the Senate's legislative activity this session of Congress. pp. S12700-10
16. HEALTH; WELFARE. Received from HEW a proposed bill to amend the Social Security Act to provide for a number of cost controls under the medicare, medicaid, and maternal and child health programs; to Finance Committee. p. S12710
17. MANAGEMENT. Received from GAO a report on cost reduction and management improvement programs in selected departments and agencies. p. S12710
18. CLAIMS. Received from GSA a report showing claims settled by the Administration under the Military Personnel and Civilian Employees' Claims Act of 1964, for fiscal year 1969. p. S12710
19. FARM LABOR. Sen. Yarborough announced hearings on S. 2660, that would extend and expand the Federal health program for migrant workers for Oct. 21 and 22. p. S12719
20. EDUCATION. Sen. Yarborough announced that hearings on S. 2809, to extend and expand the Federal program of formula grants for schools of public health, are scheduled for Oct. 20, and inserted a progress report on the Federal program for this purpose from 1959 to 1969. pp. S12719-23
21. COOPERATIVE EXTENSION SERVICE. Sen. Allen praised the Cooperative Extension Service and cited it as a genuine State-Federal partnership with a workable State-Federal relationship. pp. S12726-7
22. PESTICIDES. Sen. Nelson inserted an article "Pesticide Control Lag Seen Likely." p. S12732

23. POPULATION. Sen. Hatfield said he strongly supports the President's proposal for a national mobilization of resources and intellects in the formation of a Commission on Population Growth and the American Future, and inserted a speech by Rep. Wyatt on this subject. pp. S12734-6
24. ROADSIDE EROSION. Sen. Nelson spoke in favor of his proposed legislation to protect against erosion of streambanks and roadbanks, and inserted a supporting article. pp. S12745-6
25. LANDS; TIMBER. Sen. Proxmire presented "some facts" relative to his proposed legislation to amend the payment provision of the Oregon and California Land Grant Act of 1937. pp. S12746-7
26. ADJOURNED until Mon., Oct. 20.

EXTENSIONS OF REMARKS

27. ENVIRONMENT. Rep. Dingell inserted an article "Can Law Reclaim Man's Environment." pp. E8550-1
Rep. Nedzi inserted an article "From Here to Oblivion." pp. E8593-4
Rep. Mikva said that the declining quality of our environment constitutes a problem which merits the continuing attention of my colleagues and inserted an article "Death Rate? Air pollution Linked." p. E8594
28. GREEN THUMB; POVERTY. Rep. Carter endorsed the Green Thumb Program and inserted an article "Best Poverty Project? County Agent Says It's the Green Thumb Program." p. E8560
29. OPINION POLL. Rep. Bow inserted questionnaire from his district and stated that a "great majority of my constituents are in favor of the President's major proposals." p. E8562
30. CLEAN WATER. Rep. Dingell inserted an editorial supporting efforts to secure full funding of the Clean Water Restoration Act. pp. E8567-8
31. SALARY COMPARABILITY. Rep. Dickinson said that he supports fair and equitable salaries for Federal employees, but he could not support the salary comparability bill. pp. D8570-1
32. HOUSING. Rep. Gude said that the shortage of mortgage money for the housing market in Md. has reached near crisis **proportion** and inserted Rep. Hogan's address before the Md. Association of Real Estate Boards. pp. E8673-4

PRINTED HEARINGS RECEIVED IN THIS OFFICE

33. FEES; PROPERTY. S. 1653, recovery of a reasonable attorney's fee in case of successful suit for damages sustained in transportation of property. S. Commerce Committee.





property will be protected at whatever cost is required.

Criminals should be taught once again that crime does not pay. And every public official in this country ought to take a stand for the police and against the hoodlum.

The great silent majority, which has been patient so long, must not allow itself to be further browbeaten, intimidated, and mesmerized into a state of uncertainty and fear.

People are going to have to think for themselves and not let left-wing commentators and left-wing big city newspaper columnists and pseudo-intellectuals overly influence their opinions and viewpoints.

Both political parties must espouse integrity in government, respect for law and order, and fewer handouts to people who are able to work for themselves.

In this regard, may I say that I want to help people who need help; and it is our duty to assist the widow and the orphan, the poor, and the afflicted. But we do no man a favor by encouraging him to live on the dole when he is physically and mentally able to work and when there is work to do.

Americans must speak out against violence, hooliganism, and disorder. They must also speak out against cheaters, whether at the public trough or on the welfare rolls.

We need to be concerned about principles as much as about programs. Our country has strayed too far afield from the fundamentals from which its strength and greatness have been derived. We cannot continue along the road we lately have been traveling without inviting eventual disaster.

Government has tried to do too much in areas beyond its competency in seeking to compel social change.

In all of the excessive attention that has been paid to appeasing a small but militant minority of our people, the average American citizen has somehow come to be the forgotten man.

I believe that your ancestors and mine—those persons of whom I spoke at the beginning of these remarks—were probably the people that the American sociologist and educator William Graham Sumner was thinking of in the 1880's when he wrote these lines:

"The Forgotten man . . . delving away in patient industry, supporting his family, paying his taxes, casting his vote, supporting the church and the school . . . he is the only one for whom there is no provision in the great scramble and in the big divide.

"Such is the Forgotten Man. He works, he votes, generally he prays—but his chief business in life is to pay . . .

"Who and where is the Forgotten Man in this case, who will have to pay for it all?"

The answer to the question is obvious. The Forgotten Man is the great majority—they who pay their way, who ask nothing from their government but the opportunity to work and raise their families and be good citizens in an orderly and lawful society.

All of our ancestors, as I said at the beginning, came from somewhere other than the place we meet tonight. America's great majority is made up of many former minorities. They are not minorities anymore. The interwoven strands of the fabric of our land have become inseparable.

The progeny of those early immigrants are now the majority. Let us, then, as we look to the future of our republic, resolve that we will act within our own spheres of influence in accordance with the great traditions that have come down to us from many cultures and many climes. The legacy of strength and stability, of resourcefulness and industry, which we have inherited from our old world ancestry and in which we take such pride, can help us restore America to the bright promise it was meant to be.

Our Republic, conceived in liberty and purchased with blood, can be preserved only by constant vigilance.

May we guard it as our children's richest legacy, for what shall it profit our nation if it shall gain the whole world and lose "the spirit that prizes liberty," law and order, and constitutional government as the heritage of all men in all the land.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

POTATO RESEARCH AND PROMOTION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. Calendar No. 412, a bill (S. 1181) to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, to give the bells a chance to do their job, I shall postpone for a moment the request I am about to make, so that Senators will have plenty of time to come to the Chamber, and will not be confused by a succession of seven or eight bells.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTION OF THE RECORD

Mr. ALLEN. Mr. President, I ask unanimous consent that the CONGRESSIONAL RECORD of October 15, 1969, be corrected as follows:

First. On page S. 12693, in line 6 of the third column, change "accuse" to "re-cuse."

Second. On page S12693, third column, sixth line from the bottom of column, change "refused" to "refuted."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR STAR PRINT OF S. 2264 TO DESIGNATE ADDITIONAL COSPONSOR

Mr. MANSFIELD. Mr. President, yesterday when the communicable disease control bill (S. 2264) was reported from the Committee on Labor and Public Welfare, inadvertently the name of the distinguished Senator from Massachusetts (Mr. KENNEDY), a principal supporter of that legislative proposal, did not appear on the printed version of the bill. Therefore, I ask unanimous consent that there be a star print of the bill (S. 2264), indicating Senator KENNEDY's cosponsorship.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHURCH in the chair). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR STENNIS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the pending measure and the one which will follow it, the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO MONDAY, OCTOBER 20, 1969

Mr. MANSFIELD. Mr. President, on the supposition and the hope and the prayer that we can finish the two potato bills this afternoon, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. If, however, we do not finish the potato bills this afternoon, I will have to make a change in that request.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 1:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon (at 1 o'clock and 10 minutes p.m.), the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:16 p.m., when called to order by the Presiding Officer (Mr. BYRD of West Virginia in the chair).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the joint resolution (S.J. Res. 158) to authorize the minting of clad silver dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, was read twice by its title and referred to the Committee on Post Office and Civil Service.

POTATO RESEARCH AND PROMOTION ACT

The Senate resumed the consideration of the bill (S. 1181) to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. CHURCH in the chair). The pending business is S. 1181, a bill to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by im-

proving the quality of potatoes and potato products that are made available to the consumer.

Mr. HOLLAND. I thank the Presiding Officer.

Mr. President, the purpose of title I of S. 1181 is to permit potato growers to finance a nationally coordinated research and promotion program. Title II of the bill would add tomatoes to the list of commodities for which paid advertising can be provided under marketing orders.

Title I of the bill provides for authority to establish a plan to collect assessments on potatoes produced in the 48 contiguous States of the United States. Producers with less than 5 acres will be exempt from assessments. The assessments will be used for promotion of potatoes including paid advertising. In addition, assessments can be used for research and development projects. The costs incurred by the potato industry in administering the program will also be paid from assessments. Prior approval by the Secretary of Agriculture for all projects and expenditures is provided for as a safeguard against improper use of funds.

The bill provides for a maximum assessment rate of 1 cent per hundred-weight. Handlers are responsible for payment of the assessments, and they may deduct them from their settlement with the producers. Producers will be able to obtain a refund on the assessments paid by them, if they request it in the time and manner prescribed. The bill provides that hearings with respect to a proposed plan be held when requested by potato producers. A favorable referendum vote, by two-thirds of the potato producers voting in such referendum, or two-thirds of their production and not less than a majority of those voting, is required to approve any plan issued pursuant to this bill. If such a plan is favored by producers, a board will be appointed by the Secretary of Agriculture from industry nominations of eligible producers. Such board will administer the plan under the supervision of the Secretary of Agriculture.

Provisions in this bill are similar to those in a bill enacted by the 89th Congress, and cited as the Cotton Research and Promotion Act. Promulgation and referendum proceedings for any "plan issued pursuant to this bill are similar to those in marketing orders authorized by the Agricultural Marketing Agreement Act of 1937, as amended. Administrative provisions are also similar to those in marketing orders. There are no provisions for quality control or compulsory inspection in this bill.

Several potato producing areas have State orders or commissions to promote potatoes produced in their specific areas. This bill is intended to supplement these existing programs with a nationally coordinated program.

Title II of the bill authorizes paid advertising for tomatoes under marketing orders. At present such advertising is authorized for cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, and avocados.

Mr. President, title II would merely

add tomatoes to that list so that marketing orders covering tomatoes could, if those affected so desired, cover paid advertising assessments, as well as their other assessments.

Mr. President, I note in the Chamber the distinguished leading sponsor of the bill, the Senator from North Dakota (Mr. YOUNG). He may have a statement and I shall be glad to yield to him for that purpose, if he wishes.

Mr. YOUNG of North Dakota. Will the Senator yield for a short statement?

Mr. HOLLAND. I am glad to yield.

Mr. YOUNG of North Dakota. I made a statement explaining the bill at some length yesterday when it was called up.

This bill is sponsored by practically all the Senators from the principal potato-producing areas. There is great need for this legislation.

There are only about one-half as many potato producers in this country as there were 10 years ago. Producing potatoes presents a greater risk than any other kind of farming. There are no price supports for potatoes, but through self-help programs, such as the one authorized by the pending bill, producers are attempting to improve their product and promote increased consumption of potatoes. It could go a long way toward increasing the sale of potatoes and keeping the potato farmers from going broke.

Mr. President, there are many misunderstandings about potatoes as a food. For example, many people think that potatoes are a fattening food high in calories. The fact is, the potato is not a high-caloried food. This is the sort of thing that the potato producers hope to bring before the public by intelligent advertising. This will help the sale of potatoes.

Mr. MONDALE. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am happy to yield to the Senator from Minnesota who is one of the cosponsors of the bill.

Mr. MONDALE. First, I wish to thank the distinguished Senator from Florida for his excellent work on this bill. As chairman of the subcommittee, I know that he has held extensive hearings and heard from all of us who are most concerned about this legislation. He has brought a bill to the floor of the Senate today which is, I believe, in excellent condition.

The distinguished Senator from North Dakota (Mr. Young) and I represent neighboring States which have an important potato industry. Indeed the Minnesota Valley Growers Association, which supports this measure, is the largest grower organization in my State. It is an industry that involves nearly \$17 million worth of income to the farmers in my State alone.

This is a long overdue measure which will permit them to deal with some of the problems which the Senator from North Dakota (Mr. Young) has already made reference.

Under this act, the people of my State would be able to supply a better product to the consumer. They could develop new and better methods of handling the product. New products from potatoes could be developed.

Last, but not least, the true story about potatoes can be presented to the consumer.

This does not carry any price tag. The farmers themselves contribute to the fund. I believe I am correct in saying that any farmer who wishes can have his money return so that any farmer that does not wish to participate in this program can do so.

This is long overdue legislation, and I compliment the Senator from Florida for his leadership in this field.

Mr. HOLLAND. I thank my distinguished friend. It has been a pleasure to conduct the hearings and to handle this matter in the full committee and the subcommittee. I am glad that we have finally been able to get it to the floor of the Senate.

Mr. MUSKIE. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am particularly glad to yield to the distinguished Senator from Maine. I am happy that we have been able to get this bill to the floor and to see my good friend from Maine here today.

Mr. MUSKIE. I thank the Senator from Florida. Let me say how very much I appreciate the courtesy which the distinguished Senator from Florida has shown to me all week in holding this bill for consideration until today. Any delay that I have caused was inadvertent and certainly not intended, but the Senator from Florida with his usual courtesy and cooperation, nevertheless, has been of great assistance to me. I compliment him on bringing this bill to the floor.

Mr. President, today we are going to vote on two bills that will have a profound effect on the producers of potatoes.

The first, S. 1181, will enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their market for potatoes and potato products. The general public does not fully appreciate the nutritional value of the potato, and in fact has serious misconceptions about the role of the potato in the American diet. This legislation will provide an opportunity for potato growers to improve the quality of their product and improve consumer acceptance of potatoes.

The bill provides for authority to establish a "plan" to collect assessments on potatoes produced in the 48 contiguous States of the United States. Producers with less than 5 acres will be exempt from assessments. The assessments will be used for promotion of potatoes including paid advertising. In addition, assessment can be used for research and development projects. The costs incurred by the potato industry in administering the program will also be paid from assessments.

The potato producers have been confronted, in recent years, with increased competition from other products marketed as easily prepared convenience foods. Some of these products are promoted on a national basis. Potato producers have not been able effectively to match this competition because production and marketing of potatoes is performed by numerous individual farmers

in every State in the United States. This has made it difficult for them to finance and carry out adequate research and promotion projects to maintain a competitive position in the markets. This bill would give potato producers authority to help themselves by financing such projects.

Not only will S. 1181 benefit the potato grower but the kinds of programs envisioned would also work toward improved marketing and merchandising to the benefit of the American consumer.

S. 1181 is supported by all segments of the potato industry.

I urge the Senate to vote for passage of the bill.

Mr. President, I am happy, of course, to support the bill, and to again compliment the distinguished Senator from Florida (Mr. HOLLAND) and the distinguished Senator from North Dakota (Mr. YOUNG), for sponsoring and bringing the bill to the floor of the Senate.

Mr. HOLLAND. I thank my distinguished friend from Maine. Before I yield to the Senator from Idaho (Mr. JORDAN), there are two things about this bill that I wish to mention at this time.

First, this is the first effort of the national potato growers organization in which the potato growers of the State of Florida have been willing to join. Thus, it must have merit beyond all the efforts heretofore of the National Potato Council.

Second, if it becomes effective and is followed by a marketing order as proposed, this bill will be the first effort in the field of perishable commodities to set up a national advertising, sales promotion, and research program; and I am sure, we will all be watching with a great deal of interest.

I thank the Senator from Maine for his comments and I am glad now to yield to the Senator from Idaho (Mr. JORDAN).

Mr. JORDAN of Idaho. Mr. President, I thank my distinguished colleague from Florida. I commend him and the Senator from North Dakota (Mr. YOUNG) for bringing to the floor this fine piece of legislation. I am pleased to be a cosponsor of the bill. I believe it will do a tremendous amount of good for the potato-producing industry.

I believe it is well known that Idaho's fertile acres produce about one-fifth the total U.S. potato crop. The State now harvests about 300,000 acres of high-quality potatoes, which, in an average year, yield about 64 million hundred-weight. Potato acreage in Idaho has doubled since the mid-1950's.

In achieving this leadership in potato production, the State of Idaho has demonstrated the value of promotion. It is not enough merely to grow the finest potatoes in the world; they must be promoted and sold.

To this end, the State of Idaho has established the Idaho Potato and Onion Commission which has done an excellent job in promoting the use of Idaho potatoes nationally and internationally. To support this program, Idaho growers and processors pay 2¼ cents per hundred-weight for promotion and research, an assessment higher than the rate applied

in any other potato-producing State. This industry financed promotional program has helped make Idaho potatoes synonymous with potatoes of the highest quality. Moreover, the growers who pay the bill, are enthusiastic about the program and a representative of the 4,400 Idaho growers supported this legislation in committee hearings. The State's promotional program not only has aided producers in the State but also has aided the entire potato industry, the congressional committees were told by Idaho potato grower Clarence Parr, of Burley.

The efforts of such local and State promotion programs will be supplemented and coordinated nationally by this legislation. This would be done by authorizing the growers to establish a National Potato Promotion Board, and to operate a grower-financed promotion and research program. This program would be similar to that provided under the Cotton Research and Promotion Act of 1966.

Assessments on growers would be limited to a maximum of 1 cent per hundred pounds of potatoes handled. Potatoes grown by producers with less than 5 acres of potatoes would be exempt from assessment, which means that the program would be financed by about 17,000 of the 310,000 potato producers in the United States.

Promotion plans would have to be approved by the Secretary of Agriculture after public hearings and then ratified by at least two-thirds of the growers under a referendum to be conducted by the Secretary. Furthermore, any grower not in sympathy with a plan adopted could apply for and receive a refund of assessments paid. I am informed that refunds under the cotton promotion program have been less than 5 percent.

Potatoes are one of our most important crops, bringing into the farm economy an average of about \$561 million a year in sales revenues. However, the per capita consumption of potatoes has declined during the last 30 years from 122 pounds to 110 pounds per person, and potatoes have been meeting increased competition from other products marketed as easily prepared convenience foods. These factors, coupled with more efficient production techniques, have contributed to crop surpluses and resulting surplus removal programs in most crop years since 1953.

It is hoped that this national marketing and research program, in concert with program on the State level, will help correct the imbalance between supply and demand for potatoes and improve returns to producers.

On behalf of the potato growers of Idaho, who have supported this legislation by formal resolution, I urge its passage.

Mr. HOLLAND. Mr. President, I thank the Senator from Idaho.

Mr. YOUNG of North Dakota. Mr. President, the Senator from California (Mr. MURPHY), a cosponsor and strong supporter of S. 1181, is necessarily absent today. The Senator, however, had prepared a statement which he planned to make on this measure. I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement by Senator MURPHY was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MURPHY

As a co-author of S. 1181, the potato marketing bill, I support the measure and urge its speedy enactment by Congress.

I wish to thank the distinguished Senator from Florida, (Mr. HOLLAND) and the distinguished Senator from North Dakota (Mr. YOUNG) for their efforts and work in guiding the bill through the Committee on Agriculture and Forestry. This is a most important bill for California, as my State is the third largest potato producing State in the country. Kern County, which is ably represented in Congress by Representative Bob Mathias, produces fifty per cent of the potatoes in my State and is the second largest potato-producing county in the country. I am also deeply grateful for the help given me by both Representative Mathias and Mr. Don M. Johnston, of Bakersfield, California.

The bill, S. 1181, is similar to the Cotton Research and Promotion Act enacted by Congress in 1966, which I also supported. The bill would provide a mechanism through which potato producers may conduct a much-needed national research and promotion program for potatoes.

The per capita consumption of potatoes has been steadily decreasing for many years. In order to reverse this trend and expand potato markets, a program of research, development, advertising, and promotion is essential. The reason for this decline in consumption has been the increased competition from other often easily prepared convenience foods. The potato producers have not been able to meet this competition because the production and marketing of potatoes in the country is done by many individual farmers in every State. As a result, it has been difficult for the potato industry to launch an adequate research and promotion effort to maintain their competitive position in the market place.

In 1966, the National Potato Council established a voluntary nationwide promotion program with a goal of \$75,000 for 1967. Despite the depressed market that existed in 1967, the voluntary program was successful as the program exceeded their national goal of \$75,000.

This voluntary program has helped to demonstrate the value of research and promotion. It has also demonstrated that if the program were really going to be successful, it would have to be much larger in magnitude. This, then, is the background for the potato research and promotion measure that is before the Senate today. I want to emphasize that this a self-help program. The taxpayers of the country are not being asked to foot the bill, nor should they, for this research and promotion program.

Under the bill, the research and promotion activities authorized by the measures would be financed by the producers themselves through an assessment of not more than one cent per 100 pounds of potatoes produced commercially in the 48 contiguous states. At the maximum assessment rate, it is my understanding that approximately \$2 million annually would be available for the research and promotion program. The program would not only be producer-financed, but producer-controlled. The research and promotion activities will be administered by the National Potato Promotion Board, composed of representatives of the growers selected by the Secretary of Agriculture from nominations made by the producers. Also, I want to emphasize strongly that the participation in the program would be voluntary on the part of the various growers. Under the bill, every producer or grower can, upon request, receive a complete refund of the assessment made.

In short, the measure would establish a badly needed research and promotion program for potato growers. I urge its enactment.

POTATO PROMOTION—IT WORKS FOR IDAHO

Mr. CHURCH. Mr. President, today the Senate is to act on S. 1181, the Potato Research and Promotion Act. This legislation, of which I am a cosponsor, would enable the potato industry to finance a nationally coordinated research and promotion effort, and through its own resources and ingenuity, to build strong market and preserve its position in our Nation's agricultural economy.

There is no doubt in my mind that a promotion program, properly organized and effectively run, can increase the demand for the potato as a consumer item, with a resultant increase in income to the farmer and the potato industry as a whole. One only need look to my State of Idaho for a fine example of what can be done when an outstanding product is properly marketed. Idaho has actively promoted its high-quality potatoes for many years, and today the Idaho potato is sought by housewives throughout the country who want the very best.

This bill gives the potato industry the wherewithal to promote its product. It will aid both the large and the small production State by educating the consumer to the part that the potato should properly play in his diet. It will aid the consumer, since the research programs made possible under the act will result in more and better potato products.

The use of sound marketing practices in the distribution and sale of our agricultural commodities is a must. Passage of the Potato Promotion Act will be a step in that direction.

Mr. HOLLAND. Mr. President, before a vote is taken, lest there be a misunderstanding, I want to make sure it is understood that title II affects tomatoes and differs from title I in that it does not contemplate a nation-wide promotion program, for tomatoes produced in all areas, and also in that there is no provision for refund. It simply permits tomato growers in any area where there is a marketing order to add provision for advertising and promotion to such marketing order if in their judgment and in the discretion or the Secretary of Agriculture it is decided that that is advisable in their case.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc. I know of no opposition.

The PRESIDING OFFICER. Without objection, the committee amendments are considered en bloc; and, without objection, they are agreed to.

The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HOLLAND. Mr. President, the Senator from North Dakota (Mr. YOUNG) has just reminded me that there was an intention on the part of one of the Senators from Alaska to investigate the question of whether Alaska and Hawaii should be included in the program and added to the 48 contiguous States to which the potato amendment applies. If the Senator from Alaska wishes to offer that amendment, or some other Senator wishes to offer it for him, I would have no objection to it. I would yield to the sponsors and authors of the bill on that matter.

Mr. YOUNG of North Dakota. Mr. President, I think it is a good amendment. It would affect only the people of Alaska and Hawaii. I think they should be permitted to come into the program.

I would like to offer the amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the engrossment and third reading of the bill be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments offered by the Senator from North Dakota will be stated.

The assistant legislative clerk read the amendments as follows:

On page 3, lines 16 and 17, strike out the words "forty-eight contiguous States of the".

On page 5, line 1, strike out the words "forty-eight contiguous States of the".

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1181) was passed, as follows:

S. 1181

An act to provide for potato and tomato promotion programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of \$561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United

States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 3. As used in this title

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "produced" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 4. To effectuate the declared policy of this title, the Secretary shall subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the United States.

NOTICE AND HEARING

SEC. 5. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 6. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing,

that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 7. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 8. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a)(4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof

satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for approximate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 9. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however*, That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further*, That such promotional activities shall comply with the provisions of section 8(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising and promotion in years when the production and assessment income may be reduced: *Provided*, That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENT

SEC. 10. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, and such assessment required to be paid by such handler.

Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for collection of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 11. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with direc-

tions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 12(a) of this title.

ENFORCEMENT

SEC. 12. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than \$100 or more than \$1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 13. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpoena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 14. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 10(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 15. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 16. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 17. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 18. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 19. This title shall take effect upon enactment:

TITLE II—TOMATO ADVERTISING PROJECTS

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or avocados" in the proviso, and inserting in lieu thereof "avocados, or tomatoes".

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended, so as to read: "An act to provide for potato and tomato promotion programs."

AMENDMENT OF THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, AS AMENDED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 414, S. 2214.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2214) to amend section 608(c) (2) of the Agricultural Marketing Agreement Act of 1937, as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported with amendments on page 1, at the beginning of line 3, strike out:

That section 608(c) (2) of the Agricultural Marketing Agreement Act of 1937, as amended, is amended as follows:

And insert:

That section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation is amended as follows:

In line 9, after the word "In", strike out "subparagraph" and insert "clause"; on page 2, line 3, after the word "In", strike out "subparagraph" and insert "clause"; and after line 6, insert a new section, as follows:

Sec. 2. The amendments made by this Act shall be effective only during the period beginning with the date of enactment of this Act and ending two years after such date.

So as to make the bill read:

S. 2214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is amended as follows:

(1) In clause (A) after the words "vegetables (not including vegetables, other than asparagus, for canning or freezing)", insert the words "and not including potatoes for canning, freezing, or other processing"; and

(2) In clause (B) after the words "fruits and vegetables for canning or freezing," insert the words "including potatoes for canning, freezing, or other processing,".

Sec. 2. The amendments made by this Act shall be effective only during the period beginning with the date of enactment of this Act and ending two years after such date.

Mr. HOLLAND. Mr. President, this bill, reported from the Senate Committee on Agriculture and Forestry, has some amendments, but I will first discuss the purpose of the bill.

The purpose of the bill now before the Senate, S. 2214, is simply to place potatoes for other processing—such as dehydration—into other potato products on an equal basis with potatoes for canning and freezing which are now exempt under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

In other words, the Marketing Agreement Act now already exempts potatoes for canning and freezing from coverage in any marketing order issued by the Department of Agriculture.

I might add that the term "other processing" is intended to include only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. This occurs in dehydration and in the manufacture of shoestring potatoes and potato chips. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing".

The committee's Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices held hearings on the bill. Some producer groups opposed the bill, while processors generally approved it.

The subcommittee and the committee felt that consistency in the treatment of potatoes was necessary. However, in order to provide protection to producers, the exemption carried by the bill is limited to a 2-year period.

The Department of Agriculture favored inclusion of all potatoes under marketing order authority, or exclusion of all potatoes for processing. Inclusion of some and exclusion of others creates competitive disadvantages. Inasmuch as potato products are in competition with each other in the national market, this bill would result in uniform treatment of potatoes for processing regardless of the final use made of the product.

The Department also reported that the use of potatoes for food processing has increased sharply during the past decade. Only 14 percent of 1956-crop potatoes used for food were processed. In 1967 about 42 percent were processed. Utilization for freezing was the most important in terms of volume, but large quantities were used for canning, potato chips, shoestrings, and dehydration. Dehydrated potato processing increased sixfold during the 1956 to 1967 period, while the use of potatoes for chipping and shoestring potatoes more than doubled. Continued expansion of sales to all food processing outlets is expected in coming years.

Mr. President, there was some difference of opinion in the committee. Some of us would have preferred to put all potatoes destined for processing within reach of the potato producers, within their marketing orders, if they chose to cover potatoes used for processing. Others favored the method used in this bill; that is, to exclude all potatoes used for processing by which the natural form of the potatoes changes, from coverage of the marketing agreement and order.

The final settlement made by the committee was to permit this to be done as provided by the bill for a period of 2 years, to see whether or not the experiment of excluding all processed potatoes from the coverage of marketing orders would be satisfactory in general to the producers, who, after all, would be the ones most interested in marketing orders,

as they are the only ones who can initiate such orders.

The bill as reported does just that. It would exclude all potatoes for processing from marketing orders, but only for a trial period of 2 years, so as to see how this program would work out.

Mr. President, these are all the comments that I have. If other Senators would like to be heard on the bill, I shall be happy to yield. Otherwise, I ask that the amendments be considered.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HOLLAND. I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. The bill now before us, S. 2214, was the bill in connection with which the hearings were centered on a locality in northern California and in Idaho and some of the adjacent States; was it not?

Mr. HOLLAND. Yes. This was the bill in which certain processors who used potatoes grown in northern California and Oregon felt that they were being discriminated against under a regional marketing order applicable only to that area, and they asked to be put in the same position as other processors using other potatoes from that area who were excluded from the coverage of the marketing order.

As I have already stated, the committee was not of one mind about this, but finally decided to give the program, as provided by the bill a 2-year period of trial, to see how it would work out.

Mr. CURTIS. My recollection is that the testimony that the committee received was somewhat divided, that one group of growers favored the legislation and another group did not.

I commend the distinguished Senator from Florida for the way he has handled the bill. I believe it was the junior Senator from Nebraska who suggested we might try it for 2 years, to see how it worked out, in fairness to all parties; and I am delighted that that was the way the bill was presented here.

Mr. HOLLAND. I thank my distinguished friend for that comment, and I am glad to say he is correct in his recollection; he was the one who suggested this compromise, which was finally accepted by all members of the committee, and we are all willing to see this program tried out for 2 years, as I recall the vote of the committee.

Mr. MUSKIE. Mr. President, S. 2214 is a bill to amend section 608(c) (2) of the Agricultural Marketing Agreement Act of 1937. Briefly, this bill exempts all potatoes used for processing from Federal marketing orders.

Federal marketing order legislation has played an important role in the orderly marketing of potatoes:

Marketing orders assure the adequate supply of high quality potatoes to the consumer at steady and reasonable prices.

The Federal marketing order has prevented the exploitation of both the consumer and the farmer by the middleman.

Current law exempts from marketing orders those potatoes that are to be processed by canning or freezing. Proponents of S. 2214 argue that processors of other

types of potatoes are placed in an unfair competitive position with the canners and freezers. I recognize this problem, but the solution is not in more exemptions to the marketing order. The solution to achieving equity among processors, while at the same time preserving the benefits of marketing orders for the producers and consumers, is in the removal of all exemptions.

In my own State of Maine the Federal marketing order has been shelved. Many Maine potato producers are pressing for the reinstatement of that order. If more exemptions are granted for processors, it will be virtually impossible to convince the Maine potato growers, who produce for both the fresh and processing markets that the reinstatement of the marketing order is in their best interest.

For the good of the potato producer and the consumer I oppose the passage of S. 2214. At the same time, understanding the inequity faced by a part of the processing industry, I urge that the Agricultural Committee prepare substitute legislation to remove all exemptions from Federal marketing orders.

Mr. YOUNG of North Dakota. Mr. President, the Senator from California (Mr. MURPHY), the principal author of S. 2214, is necessarily absent today. The Senator, however, had prepared a statement which he had planned to make on this measure. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MURPHY

As the author of S. 2214, I urge its passage. The bill would update the Agricultural Marketing Act of 1937. The purpose of the 1937 act was to assist in stabilizing prices of fruits and vegetables in the fresh market at a profitable level. Canning, the only major method of food preservation in 1937, was exempt from the act's provisions. By 1946, freezing had become a common method of food preservation, and Congress updated the Act by expanding the exemption to include fruits and vegetables for freezing.

Today, dehydration has also become a major method of preserving foods, and S. 2214 would place all processors of potatoes—canners, freezers, dehydrators, potato chippers, and shoe string manufacturers—on a fair, equal and competitive basis.

I believe that the bill is in the best interest of the potato industries, both growers and processors, and the workers in the processing plants, as well as of the American consumer.

I support and urge its enactment.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The question is on agreeing to the committee amendments.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to exempt potatoes from processing from marketing orders."

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CURTIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, that concludes the scheduled business of the Senate for today. There will be no further votes.

RETIREMENT OF JUSTICES AND JUDGES OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 445, S. 1508. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1508) to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment after line 6, to insert:

(b) The first paragraph of section 373 of title 28, United States Code, is amended by inserting immediately after the last comma therein the following: "or at any age after serving at least twenty years continuously or otherwise."

So as to make the bill read:

S. 1508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 371(b) of title 28, United States Code, is amended by inserting immediately before the period at the end of the first sentence the following: "or at any age after serving at least twenty years continuously or otherwise."

(b) The first paragraph of section 373 of title 28, United States Code, is amended by inserting immediately after the last comma therein the following: "or at any age after serving at least twenty years continuously or otherwise."

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MOSS in the chair). Without objection, it is so ordered.

Pursuant to previous order, the Senator from Mississippi is recognized for a period of 1 hour.

Mr. STENNIS. I thank the chair.

PUBLIC SCHOOL EDUCATION

Mr. STENNIS. Mr. President, I wish to make clear in the very beginning

that my concern and my advocacy with respect to the subject I shall talk about today is in the interest of public school education. I shall refer to the problems of our schools in the South and the problems and conditions in the schools of the North, but I am prompted, all the way through, by my advocacy of the survival, in all areas of the Nation, of the public school system. I have never entertained the idea or joined in any movement that would try to establish a private school system in any appreciable area to replace the public schools, because I know that even though the private school has its place and has a good function to a limited degree or in a specific area, and has a good influence throughout the Nation, it is the public school system, I am fully convinced, that is necessary to train and educate the masses of our children.

I wish to make it clear also that I am not seeking or advocating the repeal of the Civil Rights Act of 1964. I know that it is the law, and I said after its passage that it could not be ignored; that it was the law and, of course, would have to be obeyed.

Mr. President, for several years the Department of Health, Education, and Welfare, and the Justice Department, have conducted an intensive campaign to bring about total integration of public schools in the South. Both HEW and the Justice Department have launched a crash program to integrate the races in every school in the South. This drive for all-out integration has been so intense and demanding that the education and welfare of the students and teachers have become secondary. The prime objective has been all-out integration. My complaint is about the administration and interpretation of that law.

I wish to make it clear that I want every child, and I have always wanted every child, to have every opportunity to obtain adequate schooling and training under just as favorable conditions as can be had. I want faculties and others who are engaged in schoolwork generally to have conditions as favorable and as encouraging as possible.

I know, too, from the experience of the last 2 years, that most of the burdens of the social change that is coming about in our country is dumped in the lap of the public school system, to the extent that it cannot longer carry that load unless there is some moderation in the policy, the practice, and the administration of this Federal law. I am just as certain of that as I am that night follows day. I am certain that something will have to be done about it.

I also feel that this fact is not realized throughout the Nation. It is not realized by enough of the membership of this body, because they have not felt the impact of the imposition of the school program as administered by the Department of Health, Education, and Welfare and the Department of Justice, for it is really not administered in great areas of the country, to any appreciable degree at all, as I shall illustrate.

For several years, the Department of Health, Education, and Welfare and the Justice Department have conducted or attempted to conduct a campaign to

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued October 21, 1969
For actions of October 20, 1969
91st-1st No. 170

CONTENTS

Appropriations.....3	Fiscal year.....22	Poverty program.....15
Bread and harvest.....40	Food additives.....14	Property.....7
CCC.....23	Food stamps.....24	Recreation.....33
Clean air.....36	Foreign trade.....7,20	Research.....29
Congressional reform.....19	Future farmers.....4	Retirement.....41
Consumers.....9	Health.....13	Seed.....39
Conservation.....26	Hunger.....34	Small business.....16
Dairy products.....20,23	Inflation.....5,18	Social security.....31
Education.....8,13	Lands.....1	Soil conservation.....35
Electrification.....6	Opinion poll.....32	Sored horses.....21
Environment.....17,37	Pay.....30	Sugar.....25
Everglades.....38	Peanut acreage.....10	Water.....26,27,28
Family assistance.....12	Personnel.....30,31	Watersheds.....11
Federal aid.....27	Pollution.....27,36	
Federal Seed Act.....39	Potatoes.....2	

HIGHLIGHTS. Senate reconsidered and passed potato research and promotion bill. House passed peanut acreage allotments bill. Rep. Bingham and others introduced and Rep. Bingham discussed bill to terminate S. Africa sugar quota.

SENATE

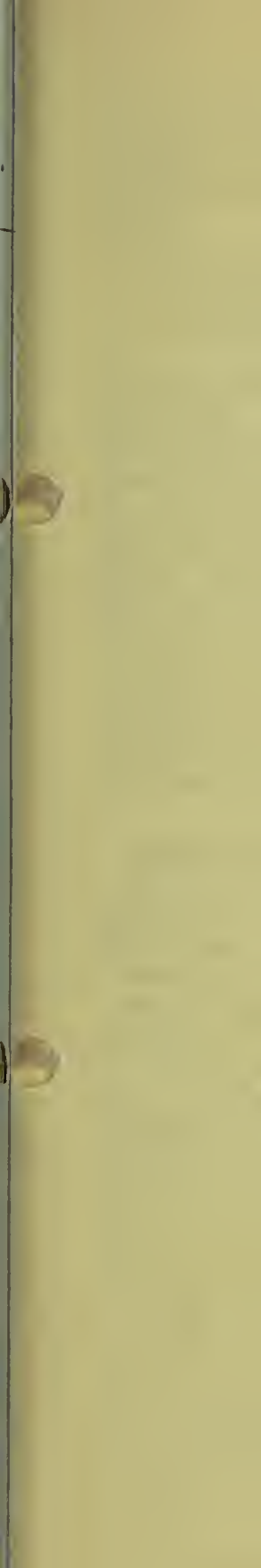
1. LANDS. Passed with amendment H. R. 9946, to authorize and direct the Secretary of Agriculture to quitclaim retained rights in certain tracts of land to the Board of Education of Lee County, S. C. p. S12774

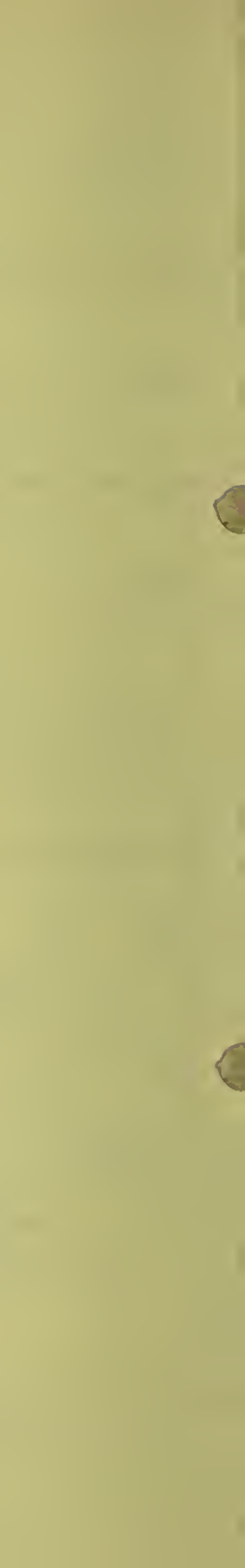
SENATE

2. POTATOES. Reconsidered and passed as reported S. 1181, to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer. pp. S12774-7
3. APPROPRIATIONS. Began consideration of H. R. 13763, the 1970 legislative branch appropriation bill. p. S12830
4. FUTURE FARMERS. Sen. Murphy expressed pride in the Calif. delegation of Future Farmers visiting Washington last week. p. S12780
5. INFLATION. Sen. Griffin inserted the text of the radio address by the President on the rising cost of living. pp. S12782-4
6. ELECTRIFICATION. Received from this Department a report on the approval of a loan to the Golden Valley Electric Association, Inc., of Fairbanks, Alaska. p. S12785
7. PROPERTY. Received from Transportation a proposed bill to authorize and foster joint rates for international transportation of property, to facilitate the transportation of such property; to the Commerce Committee. pp. S12785-6
8. EDUCATION. Sen. Murphy inserted an editorial supporting his proposed Urban and Rural Education Act of 1969. p. S12791
9. CONSUMERS. Sen. Tydings inserted an article which pays tribute to a constituent for the contribution he has made to the consumer cooperative movement. pp. S12812-3

HOUSE

10. PEANUT ACREAGE. Passed under suspension of the rules, H. R. 14030, to amend section 358a (a) of the Agricultural Adjustment Act of 1938, as amended, to extend for 1 year the authority originally granted 2 years ago in Public Law 90-211 for farmers to transfer peanut acreage allotments to each other within their own county (pp. H9708-12). The bill had been passed over earlier **without prejudice** (p. H9702).
11. WATERSHEDS. The "Daily Digest" states that the Subcommittee on Conservation and Credit, H. Agriculture Committee approved for full committee action five watershed projects. p. D960
12. FAMILY ASSISTANCE. Rep. MacGregor praised the Administration's proposed family assistance plan. p. H9723
13. EDUCATION; HEALTH. Received from HEW a draft bill to extend for an additional period the authority to make formula grants to schools of public health; **to Interstate and Foreign Commerce Committee.** p. H9731





Senate

MONDAY, OCTOBER 20, 1969

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

"Holy Spirit, Truth divine,
Dawn upon this soul of mine;
Word of God, and inward Light,
Wake my spirit, clear my sight."

—SAMUEL LONGFELLOW, 1864.

Eternal Father, may this song of the soul awaken us to all true values, clear our sight, and so guard and guide us that daily duties may be lifted into acts of worship. Refresh us at this noonday altar lest we weary before our work is done or despair because the tasks are too difficult. In a world uncertain about many things make us certain of Thee with an inner certitude of experience which endures "the strain of toil, the fret of care." Keep us clear in mind, steadfast in spirit, resolute in righteousness, that we may be used by Thee for the welfare of all mankind and the fashioning of this Nation in the pattern of the kingdom whose maker and ruler is God.

In His name we pray. Amen.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of October 16, 1969, the following reports of a committee were submitted on October 17, 1969:

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, without amendment:

H.R. 2768. An act to amend title 38 of the United States Code in order to eliminate the 6-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities (Rept. No. 91-482); and

H.R. 3130. An act to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disability to any war veteran who has total disability from a service-connected disability (Rept. No. 91-483).

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, with an amendment:

H.R. 9334. An act to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans' homes (Rept. No. 91-484).

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, with amendments:

S. 1279. A bill to provide that any disability of a veteran who is a former prisoner of war is presumed to be service-connected for purposes of hospitalization and outpatient care (Rept. No. 91-486);

H.R. 693. An act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes (Rept. No. 91-481); and

H.R. 9634. An act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources (Rept. No. 91-485).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 16, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On October 14, 1969:

S. 330. An act for the relief of Dr. Konstantinos Nicholas Babaliaros.

S. 2068. An act to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees.

On October 15, 1969:

S.J. Res. 46. Joint resolution to authorize the President to designate the period beginning November 16, 1969, and ending November 22, 1969, as "National Family Health Week."

EXECUTIVE MESSAGES REFERRED

As in executive session the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 12781. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 13194. An act to authorize special allowances for lenders with respect to insured student loans under title IV-B of the Higher Education Act of 1965 when necessary in the light of economic conditions in order to assure that students will have reasonable access to such loans for financing their education, and to increase the authorizations for certain other student assistance programs.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RETIREMENT OF JUSTICES AND JUDGES OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, for the information of the Senate, the pending business, S. 1508, a bill providing for the retirement of U.S. judges after 20 years of service, will be laid aside for a period of time and will not be considered today or in the immediate future.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. This bill was introduced by the Senator from Maryland (Mr. TYDINGS) and myself. I understand the Senator's request, and I have no objection, but I do hope that this matter can be brought up soon.

Mr. MANSFIELD. The request of the distinguished minority leader will be given every consideration. May I say that the majority leader is acting at the request of the Senator from Maryland, which I am sure the distinguished minority leader understands.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

INTRODUCTION OF BILLS AND SUBMISSION OF RESOLUTIONS

Mr. MANSFIELD. Mr. President, on behalf of myself and the distinguished minority leader, I ask unanimous consent to have printed in the RECORD a letter which the minority leader and I have sent to the Secretary of the Senate. We

hope that all Senators will carefully note its contents.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., October 1, 1969.

HON. FRANCIS R. VALEO,
Secretary of the Senate,
Washington, D.C.

DEAR FRANK: As you know, under Rule VII, the introduction of bills and resolutions is limited to the period for the transaction of morning business unless unanimous consent of the Senate is obtained. The Senate rule controlling the introduction of private bills and resolutions, however, is more liberal than that applicable to public bills, providing as follows:

"Senators having petitions, memorials, pension bills, or bills for the payment of private claims to present after the morning hour may deliver them to the Secretary of the Senate."

While the practice for many years has been to interpret the latter provision as permitting staff aides of Senators to deliver such items to the desk, it would appear to us that a stricter interpretation is now in order. After consultation with Senators of both parties, including the Chairman of the Ethics Committee (Mr. Stennis), it is our joint view that in accordance with the rules, bills and resolutions should no longer be received at the desk by the Parliamentarian for reference to the appropriate standing committees unless they are signed by and delivered at the desk, in person, by the Senator introducing them.

MIKE MANSFIELD.
HUGH SCOTT.

BOARD OF EDUCATION, LEE COUNTY, S.C.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 339, H.R. 9946.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 9946) to authorize and direct the Secretary of Agriculture to quitclaim retained rights in certain tracts of land to the Board of Education of Lee County, S.C.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I send to the desk, on behalf of the distinguished Senator from Wisconsin (Mr. PROXMIRE), an amendment to the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 1, beginning in line 5 with the word "a", strike all through the word "to" in line 9, and insert "an agreement subordinating all right, title, and interest of the United States of America in and to the land hereinafter described to a lien or liens to be executed by the said Board of Education of Lee County, South Carolina, its successors or assigns for the financing of consolidated public school improvements on the said land, which consists of".

Mr. HOLLINGS. Mr. President, by way of explanation of H.R. 9946, now under consideration, the purpose of the bill is to direct and authorize the Secretary of Agriculture to execute and deliver to the Board of Education of Lee County, S.C.,

an original quitclaim deed conveying and releasing all rights, title, and interest of the United States of America. At present, the rights, title, and interest of the United States is shared with the South Carolina Rural Rehabilitation Corp. on an undivided basis. The United States holds a 61.9-percent interest; the remainder is held by the South Carolina Rural Rehabilitation Corp. The amendment offered by the Senator from Wisconsin (Mr. PROXMIRE) would eliminate the quitclaim deed aspect and subordinate all rights, title, and interest of the United States to a lien or liens to be executed by the Board of Education of Lee County, S.C., its successors, or assigns, which would permit the board of education to issue bonds required to finance the construction for a consolidated high school.

Since the proposed amendment would permit the original intent of the bill, I urge that the matter receive favorable consideration by the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 9946) was passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-344), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill directs Secretary of Agriculture to quitclaim all interest of the United States in approximately 285 acres to the Board of Education of Lee County, S.C. The United States owns an undivided 61.9 percent interest in retained reversionary rights and mineral interests. The other 38.1 percent is owned by the South Carolina Rural Rehabilitation Corp. The property was acquired by the United States and the Rehabilitation Corp., for a resettlement project and the United States conveyed its interest in 1945 and 1946 to the South Carolina State Superintendent of Education, subject to the right to reenter if the property was not used for school and community purposes. The South Carolina State Department of Education transferred the property to the Lee County Board of Education on May 20, 1953. The Lee County Board of Education has, since 1953, operated a 12-grade public school on the land. In an effort to comply with an order of the U.S. District Court of South Carolina to provide integrated educational facilities in Lee County, the board of education has proposed, the Department of Health, Education, and Welfare has approved, the construction of a single high school for Lee County on the property in question. Clear title to the land is a prerequisite to the issuance of construction bonds required to finance the project.

The Department of Agriculture suggested amendments (1) directing the Secretary of

the Interior to join in the conveyance, since he administers the reserved mineral rights; and (2) conditioning the conveyance upon conveyance by the rehabilitation corporation of its interest. The committee did not adopt either of these amendments, because neither of them appeared necessary, and their adoption might result in some delay in passage of the bill. Enactment is regarded as urgent to permit the board of education to comply with the court order. The rehabilitation corporation advised the House Committee on Agriculture that it was preparing a deed to quitclaim its interest. The Department of Agriculture advised informally that it did not regard its suggested amendments as essential.

COST

Enactment of the legislation will result in a savings to the Government. Passage of the bill will enable the Lee County Board of Education to comply with a Federal court order, the continued enforcement of which would result in expenses to the Government.

The title was amended, so as to read: "An Act to authorize and direct the Secretary of Agriculture to execute a subordination agreement with respect to certain lands in Lee County, South Carolina."

PROGRAM FOR VETERANS DAY AND THANKSGIVING

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader what the program is for the period over Veterans Day, November 11, and for the period over Thanksgiving.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, the Senate will be in session on Veterans Day, which is Tuesday, November 11. The Senate will be out of session from the conclusion of business on the Wednesday before Thanksgiving Day until noon the following Monday.

I think it is better to operate in that fashion this particular year, so that we can comply with the request of the President that his legislation be given as expeditious consideration as possible.

Also, I am fearful that, with Veterans Day falling on a Tuesday, we might have a poor attendance on Monday or Wednesday.

So in this instance I would say that discretion is the better part of valor.

Mr. SCOTT. And on Veterans Day we can make due observance, I take it, of the original purpose for which the day was established—that is Armistice Day—in memory of those who have fallen in our numerous wars.

Mr. MANSFIELD. Yes, indeed; and I expect to make some remarks of that nature on that day. I know the distinguished minority leader will make some, and so will other Members of the Senate; and we will pay our respects to those who have done so much for their country in serving it in time of war and given their lives in its cause.

Mr. SCOTT. I thank the distinguished majority leader.

POTATO RESEARCH AND PROMOTION ACT

Mr. HOLLAND. Mr. President, while both distinguished leaders are in the

Chamber, and while the distinguished Senator from North Dakota (Mr. YOUNG) is also present, I wish to have an important matter cleared up.

Last Thursday, when the Senate passed S. 1181, the Senator from North Dakota (Mr. YOUNG) offered an amendment in behalf of the Senator from Alaska (Mr. STEVENS) extending the provisions of the bill to the States of Alaska and Hawaii, the Senator from Alaska being at that time absent from the Senate on official business in Europe.

While the production of potatoes in those two States is negligible at the present time, I stated that if the Senator from Alaska wished to offer an amendment, or some other Senator wished to offer it for him, I would have no objection to it and would yield to the sponsors and authors of the bill on that matter.

Both the Senator from North Dakota and I have found since passage of the bill that the Senator from Alaska had determined that the bill should not be extended to Hawaii and Alaska at this time, and did not intend to offer his amendment.

I ask unanimous consent therefore, to reconsider the vote by which S. 1181 was read a third time and passed and that the words "forty-eight contiguous States of the" be inserted after the word "the" on line 16, page 3, and also that those words be inserted on page 5 after the word "the" on line 1, and that the bill be read again the third time and passed.

I may say, for the information of the Senate, that this matter has been worked out with the Parliamentarian and with the distinguished Senator from North Dakota, and I understand that it fully complies with the present request of the distinguished Senator from Alaska.

I yield to the distinguished Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, I support the request of the Senator from Florida. I did offer the amendment for Senator STEVENS, in his absence, not knowing that he had made a request that it not be considered. He had made this request through the mail, and there was some delay in the mail reaching us.

Mr. HOLLAND. Mr. President, this is a sad commentary on the state of our mail service. The letter was received by both the Senator from North Dakota and myself 3 days after its mailing here in the Senate and was received after the passage of the bill, so the mistake was thoroughly understandable because the Senator from Alaska had changed the previous intention after exploring the matter with the potato producers of his State.

Mr. President, I now renew my unanimous consent that the Senate reconsider the vote by which S. 1181 was read the third time and passed.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1181) to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by

increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which the amendment offered by the Senator from North Dakota (Mr. YOUNG) on behalf of the Senator from Alaska (Mr. STEVENS) was agreed to.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida?

The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the changes requested in my original request be made in order to restore the bill to its original form; that is, that the words "forty-eight contiguous States of the" be inserted after the word "the" on line 16, page 3, and also that those words be inserted on page 5 after the word "the" on line 1, and that the bill be repassed.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered. The original language will be reinserted in the bill.

The bill (S. 1181) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1181

An act to provide for potato and tomato promotion programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of \$561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to

authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising and promotion designed to strengthen potatoes' competitive position and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 3. As used in this title:

(a) The term "secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 4. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARING

SEC. 5. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 6. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 7. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 8. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a) (4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with

the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 9. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however*, That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further*, That such promotional activities shall comply with the provisions of section 8(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising and promotion in years when the production and assessment income may be reduced: *Provided*, That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 10. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the

collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for collection of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 11. (a) Any person subject to a plan may file a written petition with the Secretary stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 12(a) of this title.

ENFORCEMENT

SEC. 12. (a) The several district courts of the United States are vested with jurisdic-

tion specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than \$100 or more than \$1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 13. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a handler, the Secretary may invoke the aid of any court of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpoena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 14. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by

producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 10(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 15. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 16. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 17. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 18. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 19. This title shall take effect upon enactment.

TITLE II—TOMATO ADVERTISING PRODUCTS

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or avocados" in the proviso, and inserting in lieu thereof "avocados, or tomatoes".

Mr. HOLLAND. Mr. President, I wish to express appreciation to the presiding officer, the Senator from North Dakota (Mr. YOUNG), and both leaders in straightening out this matter which was wholly the result of a misunderstanding on the part of all Senators concerned.

SENATOR GOLDWATER URGES SPECIAL OBSERVANCE OF VETERANS DAY

Mr. GOLDWATER. Mr. President, in a speech to the California State Convention of the Air Force Association in Long Beach, Calif., last Saturday night, I urged the American people to make a special occasion of their observance of Veterans Day on November 11 this year

to show our fighting men in Vietnam that we are solidly behind them.

As I expressed it in my speech:

I believe it is extremely important that each and every man who is risking his life and serving his country in the cause of freedom for South Vietnam understand very clearly that the tremendous majority of American people are deeply grateful for the sacrifice they are making . . .

I think it is important to rededicate our nation and ourselves to the principles of national honor and patriotism that have made this country great. I can think of no better time to do this than on the date that we used to regard as Armistice Day and which is now dedicated to veterans of all wars.

Mr. President, since the subject of my speech has been broadcast and published in the newspapers, I have been deluged with expressions of support and requests from people who want to know exactly what to do. I have one specific suggestion and one I believe will be as important as it is lacking in public drama. I think it would be a fine thing for every responsible, concerned and patriotic American to use November 11 as the time for sitting down and writing a personal letter of thanks to some American serving with the military in Vietnam. I believe it is important to personalize our feeling of gratitude in a way that will be understood unmistakably by the recipient of such a letter.

Mr. President, I should like to clarify the fact that I am not here calling for demonstrations and some great public display of emotion. Rather, I am calling upon the conscience of all true and patriotic Americans for a personal expression of their support.

BEHAVIOR OF MORATORIUM PARTICIPANTS COMMENDED

Mr. SAXBE. Mr. President, as one who questioned the moratorium held on October 15, I was pleasantly surprised by the behavior of the people who engaged in the moratorium. I was distressed originally that the so-called extreme elements or "crazies" might take over, but nowhere did I see the Vietcong flag, nowhere did I hear obscenities, and nowhere did I see people gathering other than in an orderly demonstration, which is their privilege under our Constitution.

I think those who handled the moratorium should be commended for this behavior and for their ability to put together something of this magnitude in keeping with good manners and good conduct. I do not think, however, they should fail to recognize that there is danger in the pyramiding of these days, one on the other, and the fact that there are those who will take advantage of these demonstrations in the future. However, on this particular occasion I think all of us who are critical, all of us who are apprehensive, should recognize that it was handled in a way that we can commend.

As to the effect, I cannot say at this time, nor can anyone. But I know that the actions taken by the President both before and subsequent to the moratorium have been toward ending the war in Vietnam. I cannot help feeling that, regardless of the nature of his statement,

it will be effective and that we will see more actions in keeping with this end. I think we should be patient. As I said last week, there is no one except the President—the Executive—who can do the things that need to be done. I think we should recognize that an honest effort is being made.

In an editorial entitled "Piercing Some Bunk on War and Peace," written by my friend John S. Knight, which was published in the Akron Beacon Journal and other Knight newspapers throughout the country, Mr. Knight points out that the actions taken to date comply with the peace plank that was proposed and defeated at the Democratic National Convention last year and even go beyond it.

The PRESIDENT pro tempore. The Chair regrets to advise the Senator that his 3 minutes have expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may proceed for an additional 5 minutes.

The PRESIDENT pro tempore. Without objection, the Senator is allotted an additional 5 minutes.

Mr. SAXBE. I thank the Senator.

I believe that we have read in this editorial and in others the thoughtful reaction of people deeply concerned over the country and a reaction that says we are responding, that we feel the urgency. I think the Executive feels the emergency, and I think the Executive, our President, is responding.

So while I hesitate to caution, because my cautioning before was unnecessary, I believe they should recognize that once demonstrations do get out of hand, a serious detriment to the cause they espouse could happen, and I do not want that to happen, and I know they do not want it to happen.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial written by my friend Mr. John Knight, together with some additional information regarding Mr. Knight and his approaching 75th birthday.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND INFORMATION ON JOHN S. KNIGHT

John S. Knight is president and editor of the Akron Beacon Journal and also publishes newspapers in several of our major cities. For many years his "Editor's Notebook" has been appearing each week in these and dozens of other papers throughout the nation.

His weekly column should be must reading for all Americans. The most recent, from editions of Sunday, Oct. 19, 1969, looks at the Oct. 15 "peace moratorium" and some of the events connected with it.

Mr. Knight, who turns 75 years of age on Oct. 25, could serve as a model for many of us. He still turns up at his office each morning, and remains until late afternoon. Quite often, this remarkable editor is one of the last to leave.

[From the Akron Beacon Journal, Oct. 19, 1969]

PIERCING SOME BUNK ON WAR AND PEACE

Moratorium Day has come and gone, the Republic still stands and everybody is talking about the "marvelous Mets."

Being a student of percentages, I back the Orioles, a species of black and orange birds

able to build hanging nests but not much on catching a fly.

So let us talk about Moratorium Day. One can speculate as to why its sponsors picked that name. Why not simply Day of Dissent? Or, Stop the War Day? Yet Moratorium does sound terribly important and this was serious business.

But what did it prove?

Well, for one thing, it proved that Americans cherish their precious privilege "peaceably to assemble and to petition the Government for redress of grievances," as provided in the First Amendment to the Constitution.

"Bah," says my Congressman, "we cannot make foreign policy in the streets. The only person who can dictate what will happen in the field of foreign policy is the Commander-in-Chief, the President."

"Nonsense," say I. The President can "dictate" only in the sense that he formulates foreign policy.

The Constitution provides that the President shall have the power to make treaties "with the advice and consent of the Senate" and with the further stipulation that "two-thirds of the Senators present concur."

Treaty making is obviously an important part of foreign policy with responsibility being shared by the President and the Senate. The President cannot dictate, even though his influence is strongly felt.

A classic example of the rebuke of Presidential power was seen in March of 1920 when the Senate voted 49 to 35 to reject U.S. participation in President Wilson's League of Nations. The League, a treaty to enforce peace, had been negotiated by President Wilson in Paris.

It was the Southeast Asia Treaty Organization, a collective defense pact, which led to our involvement in Vietnam. The Senate gave its approval only after assurances that this treaty would in no way obligate the United States to go to war.

Today, SEATO is generally accepted as a "sacred commitment." Actually it is nothing of the sort.

In Article I, section 8 of the Constitution, it is stated that "Congress shall have power to declare war . . ."

The bloody struggle in Vietnam is certainly a war, a miserable and tragic mistake. Still, it is not a declared war in the Constitutional sense. We simply blundered our way into this morass with Congress and the people meekly accepting Presidential dictum as fact.

The demonstrations and Moratorium Days are expressing the bitter resentment of the people over having been conned into our country's greatest misadventure with little or no hope of attaining the stated objective of past leaders.

President Nixon can attempt to brush aside the significance of these protests.

The Vice President may find them "absurd" and slur his critics as "pushy youngsters and middle-aged malcontents."

Yet the undeniable fact remains that the protesters were indeed only exercising their constitutional rights on Moratorium Day, and generally in the form of peaceable assembly, while petitioning the government for a redress of grievances.

When President Nixon named Judge Warren Burger as Chief Justice of the Supreme Court, he mentioned that he wanted strict constructionists on the Court.

In that light, the moratorium parades of students, professors, clergy, mothers, politicians and businessmen were conservative in the eyes of the Constitution and not acts of radicalism as my Congressman would have us believe.

As the New York Times points out, Moratorium Day was observed with "a sense of both dignity and urgency—an observance in keeping with this country's tradition of pluralism and lawful dissent . . . the keynote was responsibility, not coercion or disruption."

Despite the bland brush-offs by government spokesmen who say the President "cannot be influenced by demonstrations," you may be sure that the normally savvy Mr. Nixon is feeling the hot breath of public discontent on his neck.

My Congressman also observes that many members of the House and Senate now attacking President Nixon's Vietnam policies are "doing it to save their political hides."

His point is indeed well taken. Some of Mr. Nixon's most vociferous critics have only lately come out of the woodwork.

For years they sat silently by while President Johnson was consigning this nation to near disaster. When they did rise to make a speech noted only by the Congressional Record, it was to praise the President's "wise policies" and pledge to him their "unstinting support."

Only a mere handful of Senators, notably Fulbright, Morse, Gruening, McCarthy, Young, McGovern and in later years Church, Percy, Gore, Aiken, Hatfield and Symington dared to challenge the Johnson course in Vietnam.

Since most of Mr. Nixon's war critics are of the Democratic faith, it is fair to examine their positions at the 1968 convention in Chicago.

David Broder of the Washington Post reminds us that the minority plank at Chicago, endorsed by all the doves, recommended precisely what President Nixon is doing now.

The plank called for a halt to the bombing of North Vietnam. This has been done.

It called for a reduction in offensive operations in South Vietnam. President Nixon has so ordered and it is now in effect.

The Democratic minority urged "a phased withdrawal over a relatively short period of time" of all foreign troops. Nixon moved to pull Americans out of Vietnam without waiting for North Vietnam to agree, as the doves felt would be required.

And finally, writes Mr. Broder, the minority plank recommended that the United States use the leverage of troop withdrawal to "encourage" the Saigon government to negotiate a political reconciliation with the Viet Cong while recognizing that the plan would be a matter for the South Vietnamese to determine.

In short, President Nixon is implementing the very policies which the Democratic minority regarded with such high favor in Chicago.

At some stage of his present torment, the President might well read the record to his political assailants, and to their confusion.

Yes, as my Congressman says, there are a lot of "hide savers" in Washington who are playing politics with the war issue.

Neither President Nixon nor anyone else can get us out of Vietnam instantly.

Politicians should avoid raising false hopes by feeding the American public with sugar-coated pabulum.

JOHN S. KNIGHT.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. MANSFIELD. Mr. President, I think the record should be made straight on the question of the President and his attempts to achieve a responsible solution to the tragedy which is Vietnam. I think we ought to also keep in mind that if any decision is going to be made, it is going to be made by the President of the United States.

What the President has done has been to bring about a deescalation of the conflict. What we have seen is 7 months of very reduced infiltration and 7 weeks of a decided lull in the fighting, up to this time. What we have seen is a reduction in personnel of 60,000 men, and it is

91ST CONGRESS
1ST SESSION

S. 1181

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1970

Referred to the Committee on Agriculture

AN ACT

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13 kets and the development of new or improved markets are
14 vital to the welfare of potato growers and those concerned
15 with marketing, using, and processing potatoes as well as the
16 general economic welfare of the Nation.

17 Therefore, it is the declared policy of the Congress and
18 the purpose of this title that it is essential in the public
19 interest, through the exercise of the powers provided herein,
20 to authorize the establishment of an orderly procedure for
21 the financing, through adequate assessments on all potatoes
22 harvested in the United States for commercial use, and the
23 carrying out of an effective and continuous coordinated pro-
24 gram of research, development, advertising and promotion
25 designed to strengthen potatoes' competitive position, and to

1 maintain and expand domestic and foreign markets for pota-
 2 toes produced in the United States.

3 DEFINITIONS

4 SEC. 3. As used in this title:

5 (a) The term "Secretary" means the Secretary of
 6 Agriculture.

7 (b) The term "person" means any individual, partner-
 8 ship, corporation, association, or other entity.

9 (c) The term "potatoes" means all varieties of Irish
 10 potatoes grown by producers in the forty-eight contiguous
 11 States of the United States.

12 (d) The term "handler" means any person (except a
 13 common or contract carrier of potatoes owned by another
 14 person) who handles potatoes in a manner specified in a plan
 15 issued pursuant to this title or in the rules and regulations
 16 issued thereunder.

17 (e) The term "producer" means any person engaged
 18 in the growing of five or more acres of potatoes.

19 (f) The term "promotion" means any action taken
 20 by the National Potato Promotion Board, pursuant to this
 21 title, to present a favorable image for potatoes to the public
 22 with the express intent of improving their competitive
 23 positions and stimulating sales of potatoes and shall include,
 24 but shall not be limited to, paid advertising.

25 AUTHORITY TO ISSUE A PLAN

26 SEC. 4. To effectuate the declared policy of this title,

1 the Secretary shall, subject to the provisions of this title,
2 issue and from time to time amend, orders applicable to per-
3 sons engaged in the handling of potatoes (hereinafter re-
4 ferred to as handlers) and shall have authority to issue orders
5 authorizing the collection of assessments on potatoes handled
6 under the provisions of this title, and to authorize the use
7 of such funds to provide research, development, advertising,
8 and promotion of potatoes in a manner prescribed in this
9 title. Any order issued by the Secretary under this title shall
10 hereinafter in this title be referred to as a "plan". Any such
11 plan shall be applicable to potatoes produced in the forty-
12 eight contiguous States of the United States.

13 NOTICE AND HEARING

14 SEC. 5. When sufficient evidence is presented to the
15 Secretary by potato producers, or whenever the Secretary
16 has reason to believe that a plan will tend to effectuate the
17 declared policy of this title, he shall give due notice and
18 opportunity for a hearing upon a proposed plan. Such
19 hearing may be requested by potato producers or by any
20 other interested person or persons, including the Secretary,
21 when the request for such hearing is accompanied by a pro-
22 posal for a plan.

23 FINDING AND ISSUANCE OF A PLAN

24 SEC. 6. After notice and opportunity for hearing, the
25 Secretary shall issue a plan if he finds, and sets forth in

1 such plan, upon the evidence introduced at such hearing,
2 that the issuance of such plan and all the terms and condi-
3 tions thereof will tend to effectuate the declared policy of this
4 title.

5 REGULATIONS

6 SEC. 7. The Secretary is authorized to make such regu-
7 lations with the force and effect of law, as may be necessary
8 to carry out the provisions of this title and the powers vested
9 in him by this title.

10 REQUIRED TERMS IN PLANS

11 SEC. 8. Any plan issued pursuant to this title shall
12 contain the following terms and conditions:

13 (a) Providing for the establishment by the Secretary
14 of a National Potato Promotion Board (hereinafter referred
15 to as "the board") and for defining its powers and duties,
16 which shall include powers—

17 (1) to administer such plan in accordance with its
18 terms and conditions;

19 (2) to make rules and regulations to effectuate the
20 terms and conditions of such plan;

21 (3) to receive, investigate, and report to the Sec-
22 retary complaints of violations of such plan; and

23 (4) to recommend to the Secretary amendments to
24 such plan.

25 (b) Providing that the board shall be composed of

1 representatives of producers selected by the Secretary from
2 nominations made by producers in such manner as may be
3 prescribed by the Secretary. In the event producers fail to
4 select nominees for appointment to the board, the Secretary
5 shall appoint producers on the basis of representation pro-
6 vided for in such plan.

7 (c) Providing that board members shall serve without
8 compensation, but shall be reimbursed for reasonable ex-
9 penses incurred in performing their duties as members of the
10 board.

11 (d) Providing that the board shall prepare and submit
12 to the Secretary for his approval a budget, on a fiscal period
13 basis, of its anticipated expenses and disbursements in the
14 administration of the plan, including probable costs of re-
15 search, development, advertising, and promotion.

16 (e) Providing that the board shall recommend to the
17 Secretary and the Secretary shall fix the assessment rate
18 required for such costs as may be incurred pursuant to sub-
19 section (d) of this section; but in no event shall the assess-
20 ment rate exceed 1 cent per one hundred pounds of potatoes
21 handled.

22 (f) Providing that—

23 (1) funds collected by the board shall be used for
24 research, development, advertising, or promotion of
25 potatoes and potato products and such other expenses

for the administration, maintenance, and functioning of the board as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a) (4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

1 (h) Providing that the board shall, subject to the pro-
2 visions of subsections (e) and (f) of this section, develop
3 and submit to the Secretary for his approval any research,
4 development, advertising or promotion programs or projects,
5 and that any such program or project must be approved by
6 the Secretary before becoming effective.

7 (i) Providing the board with authority to enter into
8 contracts or agreements, with the approval of the Secretary,
9 for the development and carrying out of research, develop-
10 ment, advertising or promotion programs or projects, and the
11 payment of the cost thereof with funds collected pursuant
12 to this title.

13 (j) Providing that the board shall maintain books and
14 records and prepare and submit to the Secretary such reports
15 from time to time as may be prescribed for appropriate ac-
16 counting with respect to the receipt and disbursement of
17 funds entrusted to it and cause a complete audit report to be
18 submitted to the Secretary at the end of each fiscal period.

19 PERMISSIVE TERMS IN PLANS

20 SEC. 9. Any plan issued pursuant to this title may
21 contain one or more of the following terms and conditions:

22 (a) Providing authority to exempt from the provisions
23 of the plan potatoes used for nonfood uses, and authority for
24 the board to require satisfactory safeguards against improper
25 use of such exemptions.

1 (b) Providing for authority to designate different
2 handler payment and reporting schedules to recognize
3 differences in marketing practices and procedures utilized
4 in different production areas.

5 (c) Providing for the establishment, issuance, effectua-
6 tion, and administration of appropriate programs or projects
7 for the advertising and sales promotion of potatoes and
8 potato products and for the disbursement of necessary funds
9 for such purposes: *Provided, however,* That any such pro-
10 gram or project shall be directed toward increasing the
11 general demand for potatoes and potato products: *And pro-*
12 *vided further,* That such promotional activities shall comply
13 with the provisions of section 8 (f) of this title.

14 (d) Providing for establishing and carrying on research
15 and development projects and studies to the end that the
16 marketing and utilization of potatoes may be encouraged,
17 expanded, improved, or made more efficient, and for the
18 disbursement of necessary funds for such purposes.

19 (e) Providing for authority to accumulate reserve
20 funds from assessments collected pursuant to this title, to
21 permit an effective and continuous coordinated program of re-
22 search, development, advertising and promotion in years
23 when the production and assessment income may be reduced:
24 *Provided,* That the total reserve fund does not exceed the
25 amount budgeted for two years' operation.

1 (f) Providing for authority to use funds collected herein,
2 with the approval of the Secretary, for the development and
3 expansion of potato and potato product sales in foreign
4 markets.

5 (g) Terms and conditions incidental to and not incon-
6 sistent with the terms and conditions specified in this title
7 and necessary to effectuate the other provisions of such plan.

8 ASSESSMENTS

9 SEC. 10. (a) Each handler designated by the board,
10 pursuant to regulations issued under the plan, to make pay-
11 ment of assessments shall be responsible for payment to the
12 board, as it may direct, of any assessment levied on potatoes;
13 and such handler may collect from any producer or deduct
14 from the proceeds paid to any producer, on whose potatoes
15 such assessment is made, any such assessment required to be
16 paid by such handler. Such handler shall maintain a separate
17 record with respect to each producer for whom potatoes
18 were handled, and such records shall indicate the total
19 quantity of potatoes handled by him including those handled
20 for producers and for himself, shall indicate the total
21 quantity of potatoes handled by him which are included
22 under the terms of a plan as well as those which are exempt
23 under such plan, and shall indicate such other information
24 as may be prescribed by the board. To facilitate the collec-
25 tion and payment of such assessments, the board may desig-

1. nate different handlers or classes of handlers to recognize dif-
2. ference in marketing practices or procedures utilized in any
3. State or area. No more than one such assessment shall be
4. made on any potatoes.

5. (b) Handlers responsible for collection of assessments
6. under subsection (a) of this section shall maintain and make
7. available for inspection by the Secretary such books and
8. records as required by the plan and file reports at the times,
9. in the manner, and having the content prescribed by the plan,
10. to the end that information and data shall be made available
11. to the board and to the Secretary which is appropriate or
12. necessary to the effectuation, administration, or enforcement
13. of this title or of any plan or regulation issued pursuant to
14. this title.

15. (c) All information obtained pursuant to subsections
16. (a) and (b) of this section shall be kept confidential by all
17. officers and employees of the Department of Agriculture and
18. of the board, and only such information so furnished or
19. acquired as the Secretary deems relevant shall be disclosed
20. by them, and then only in a suit or administrative hearing
21. brought at the direction, or upon the request, of the Secre-
22. tary, or to which he or any officer of the United States is a
23. party, and involving the plan with reference to which the
24. information to be disclosed was furnished or acquired.
25. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 11. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his prin-

1 cipal place of business, are hereby vested with jurisdiction to
2 review such ruling: *Provided*, That a complaint for that pur-
3 pose is filed within twenty days from the date of the entry of
4 such ruling. Service of process in such proceedings may be
5 had upon the Secretary by delivering to him a copy of the
6 complaint. If the court determines that such ruling is not in
7 accordance with law, it shall remand such proceedings to the
8 Secretary with directions either (1) to make such ruling as
9 the court shall determine to be in accordance with law, or
10 (2) to take such further proceedings as, in its opinion, the
11 law requires. The pendency of proceedings instituted pur-
12 suant to subsection (a) of this section shall not impede,
13 hinder, or delay the United States or the Secretary from
14 obtaining relief pursuant to section 12 (a) of this title.

15 ENFORCEMENT

16 SEC. 12. (a) The several district courts of the United
17 States are vested with jurisdiction specifically to enforce, and
18 to prevent and restrain any person from violating any plan
19 or regulation made or issued pursuant to this title.

20 (b) Any handler who violates any provisions of any
21 plan issued by the Secretary under this title, or who fails
22 or refuses to remit any assessment or fee duly required of
23 him thereunder shall be subject to criminal prosecution and
24 shall be fined not less than \$100 or more than \$1,000 for
25 each such offense.

1 INVESTIGATION AND POWER TO SUBPENA

2 SEC. 13. (a) The Secretary may make such investi-
3 gations as he deems necessary for the effective carrying out
4 of his responsibilities under this title or to determine
5 whether a handler or any other person has engaged or is
6 engaging in any acts or practices which constitute a violation
7 of any provision of this title, or of any plan, or rule or
8 regulation issued under this title. For the purpose of
9 any such investigation, the Secretary is empowered to ad-
10 minister oaths and affirmations, subpoena witnesses, compel
11 their attendance, take evidence, and require the production
12 of any books, papers, and documents which are relevant to
13 the inquiry. Such attendance of witnesses and the produc-
14 tion of any such records may be required from any place in
15 the United States. In case of contumacy by, or refusal to
16 obey a subpoena issued to, any person, including a handler,
17 the Secretary may invoke the aid of any court of the United
18 States within the jurisdiction of which such investigation or
19 proceeding is carried on, or where such person resides or
20 carries on business, in requiring the attendance and testimony
21 of witnesses and the production of books, papers, and docu-
22 ments; and such court may issue an order requiring such
23 person to appear before the Secretary, there to produce
24 records, if so ordered, or to give testimony touching the
25 matter under investigation. Any failure to obey such order

1 of the court may be punished by such court as contempt
2 thereof. All process in any such case may be served in the
3 judicial district whereof such person is an inhabitant or
4 wherever he may be found. The site of any hearings held
5 under this section shall be within the judicial district where
6 such handler or other person is an inhabitant or has his
7 principal place of business.

8 (b) No person shall be excused from attending and
9 testifying or from producing books, papers, and documents
10 before the Secretary, or in obedience to the subpoena of the
11 Secretary, or in any cause or proceeding, criminal or other-
12 wise, based upon, or growing out of any alleged violation
13 of this title, or of any plan, or rule or regulation issued
14 thereunder on the ground or for the reason that the testimony
15 or evidence, documentary or otherwise, required of him may
16 tend to incriminate him or subject him to a penalty or for-
17 feiture; but no individual shall be prosecuted or subjected
18 to any penalty or forfeiture for or on account of any trans-
19 action, matter, or thing concerning which he is compelled,
20 after having claimed his privilege against self-incrimination,
21 to testify or produce evidence, documentary or otherwise,
22 except that any individual so testifying shall not be exempt
23 from prosecution and punishment for perjury committed in
24 so testifying.

1 REQUIREMENT OF REFERENDUM

2 SEC. 14. The Secretary shall conduct a referendum
3 among producers who, during a representative period de-
4 termined by the Secretary, have been engaged in the produc-
5 tion of potatoes for the purpose of ascertaining whether the
6 issuance of a plan is approved or favored by producers. No
7 plan issued pursuant to this title shall be effective unless
8 the Secretary determines that the issuance of such plan is
9 approved or favored by not less than two-thirds of the pro-
10 ducers voting in such referendum, or by the producers of not
11 less than two-thirds of the potatoes produced during the rep-
12 resentative period by producers voting in such referendum,
13 and by not less than a majority of the producers voting in
14 such referendum. The ballots and other information or re-
15 ports which reveal or tend to reveal the vote of any producer
16 or his production of potatoes shall be held strictly confiden-
17 tial and shall not be disclosed. Any officer or employee of the
18 Department of Agriculture violating the provisions hereof
19 shall upon conviction be subject to the penalties provided in
20 paragraph 10 (c) above.

21 SUSPENSION OR TERMINATION OF PLANS

22 SEC. 15. (a) The Secretary shall, whenever he finds
23 that a plan or any provision thereof obstructs or does not tend
24 to effectuate the declared policy of this title, terminate or
25 suspend the operation of such plan or such provision thereof.

1 (b) The Secretary may conduct a referendum at any
2 time and shall hold a referendum on request of the board
3 or of 10 per centum or more of the potato producers to de-
4 termine if potato producers favor the termination or sus-
5 pension of the plan, and he shall terminate or suspend such
6 plan at the end of the marketing year whenever he deter-
7 mines that such suspension or termination is favored by a
8 majority of those voting in a referendum, and who produce
9 more than 50 per centum of the volume of the potatoes pro-
10 duced by the potato producers voting in the referendum.

11 AMENDMENT PROCEDURE

12 SEC. 16. The provisions of this title applicable to plans
13 shall be applicable to amendments to plans.

14 SEPARABILITY

15 SEC. 17. If any provision of this title or the application
16 thereof to any person or circumstances is held invalid, the
17 validity of the remainder of this title and of the application
18 of such provision to other persons and circumstances shall
19 not be affected thereby.

20 AUTHORIZATION

21 SEC. 18. There is hereby made available from the funds
22 provided by section 32 of Public Law 320, Seventy-fourth
23 Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such
24 sums as are necessary to carry out the provisions of this
25 title: *Provided*, That no such sum shall be used for the

1 payment of any expenses or expenditures of the board in
 2 administering any provision of any plan issued under author-
 3 ity of this title.

4 EFFECTIVE DATE

5 SEC. 19. This title shall take effect upon enactment.

6 TITLE II—TOMATO ADVERTISING PROJECTS

7 SEC. 201. Section 8c (6) (I) of the Agricultural Ad-
 8 justment Act, as amended, and as reenacted and amended
 9 by the Agricultural Marketing Agreement Act of 1937,
 10 as amended, is amended by striking out "or avocados" in the
 11 proviso, and inserting in lieu thereof "avocados, or tomatoes".

Passed the Senate October 20, 1969.

Attest: FRANCIS R. VALEO,

Secretary.

1811.2 2.1181

AN ACT

to amend the laws relating to the

of the

91ST CONGRESS
1ST Session

S. 1181

AN ACT

To provide for potato and tomato promotion
programs.

MARCH 16, 1970

Referred to the Committee on Agriculture

91ST CONGRESS
2^D SESSION

H. R. 18884

IN THE HOUSE OF REPRESENTATIVES

AUGUST 10, 1970

Mr. SISK (for himself, Mr. FOLEY, Mr. ASPINALL, Mr. ANDREWS of North Dakota, Mr. HATHAWAY, Mr. JOHNSON of California, Mr. JONES of North Carolina, Mr. KYROS, Mr. MATHIAS, Mr. ULLMAN, Mr. McFALL, Mr. GUBSER, Mr. HANSEN of Idaho, and Mr. TALCOTT) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend section 8c(6) (I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8c of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—ADVERTISING PROJECTS

4 SEC. 101. Section 8c(6) (I) of the Agricultural Adjust-
5 ment Act of 1933, as amended, and as reenacted and

1 amended by the Agricultural Marketing Agreement Act of
2 1937, as amended, is amended to read as follows:

3 "Establishing or providing for the establishment of
4 production research, marketing research, and development
5 projects designed to assist, improve, or promote the market-
6 ing, distribution and consumption or efficient production of
7 any such commodity or product, the expense of such projects
8 to be paid from funds collected pursuant to the marketing
9 order: *Provided*, That with respect to those commodities
10 specified in section 8c(2) of this Act, such projects may
11 provide for any form of marketing promotion including paid
12 advertising: *Provided further*, That the inclusion in a Fed-
13 eral marketing order of provisions for research shall not be
14 deemed to preclude, preempt, or supersede research provi-
15 sions in any State program covering the same commodity."

16 TITLE II—POTATO RESEARCH AND PROMOTION

17 This title may be cited as the "Potato Research and Pro-
18 motion Act".

19 FINDINGS AND DECLARATION OF POLICY

20 SEC. 202. Potatoes are a basic food in the United States.
21 They are produced by many individual potato growers in
22 every State in the United States. In 1966, there were one
23 million four hundred and ninety-seven thousand acres of
24 cropland in the United States devoted to the production of
25 potatoes. Approximately two hundred and seventy-five

1 million hundredweight of potatoes have been produced
2 annually during the past five years with an estimated sales
3 value to the potato producers of \$561,000,000.

4 Potatoes and potato products move, in a large part, in
5 the channels of interstate commerce, and potatoes which do
6 not move in such channels directly burden or affect inter-
7 state commerce in potatoes and potato products. All potatoes
8 produced in the United States are in the current of interstate
9 commerce or directly burden, obstruct, or affect interstate
10 commerce in potatoes and potato products.

11 The maintenance and expansion of existing potato mar-
12 kets and the development of new or improved markets are
13 vital to the welfare of potato growers and those concerned
14 with marketing, using, and processing potatoes as well as the
15 general economic welfare of the Nation.

16 Therefore, it is the declared policy of the Congress and
17 the purpose of this title that it is essential in the public
18 interest, through the exercise of the powers provided herein,
19 to authorize the establishment of an orderly procedure for
20 the financing, through adequate assessments on all potatoes
21 harvested in the United States for commercial use, and the
22 carrying out of an effective and continuous coordinated pro-
23 gram of research, development, advertising, and promotion
24 designed to strengthen potatoes' competitive position, and to

1 maintain and expand domestic and foreign markets for pota-
2 toes produced in the United States.

3 DEFINITIONS

4 SEC. 203. As used in this title:

5 (a) The term "Secretary" means the Secretary of
6 Agriculture.

7 (b) The term "person" means any individual, partner-
8 ship, corporation, association, or other entity.

9 (c) The term "potatoes" means all varieties of Irish
10 potatoes grown by producers in the forty-eight contiguous
11 States of the United States.

12 (d) The term "handler" means any person (except a
13 common or contract carrier of potatoes owned by another
14 person) who handles potatoes in a manner specified in a
15 plan issued pursuant to this title or in the rules and regula-
16 tions issued thereunder.

17 (e) The term "producer" means any person engaged
18 in the growing of five or more acres of potatoes.

19 (f) The term "promotion" means any action taken
20 by the National Potato Promotion Board, pursuant to this
21 title, to present a favorable image for potatoes to the public
22 with the express intent of improving their competitive
23 positions and stimulating sales of potatoes and shall include,
24 but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 204. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 205. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

1 FINDING AND ISSUANCE OF A PLAN

2 SEC. 206. After notice and opportunity for hearing, the
3 Secretary shall issue a plan if he finds, and sets forth in
4 such plan, upon the evidence introduced at such hearing,
5 that the issuance of such plan and all the terms and condi-
6 tions thereof will tend to effectuate the declared policy of
7 this title.

8 REGULATIONS

9 SEC. 207. The Secretary is authorized to make such
10 regulations with the force and effect of law, as may be nec-
11 essary to carry out the provisions of this title and the powers
12 vested in him by this title.

13 REQUIRED TERMS IN PLANS

14 SEC. 208. Any plan issued pursuant to this title shall
15 contain the following terms and conditions:

16 (a) Providing for the establishment by the Secretary
17 of a National Potato Promotion Board (hereinafter referred
18 to as "the board") and for defining its powers and duties,
19 which shall include powers—

20 (1) to administer such plan in accordance with its
21 terms and conditions;

22 (2) to make rules and regulations to effectuate the
23 terms and conditions of such plan;

24 (3) to receive, investigate, and report to the Sec-
25 retary complaints of violations of such plan; and

1 (4) to recommend to the Secretary amendments to
2 such plan.

3 (b) Providing that the board shall be composed of
4 representatives of producers selected by the Secretary from
5 nominations made by producers in such manner as may be
6 prescribed by the Secretary. In the event producers fail to
7 select nominees for appointment to the board, the Secretary
8 shall appoint producers on the basis of representation pro-
9 vided for in such plan.

10 (c) Providing that board members shall serve without
11 compensation, but shall be reimbursed for reasonable ex-
12 penses incurred in performing their duties as members of the
13 board.

14 (d) Providing that the board shall prepare and submit
15 to the Secretary for his approval a budget, on a fiscal period
16 basis, of its anticipated expenses and disbursements in the
17 administration of the plan, including probable costs of re-
18 search, development, advertising, and promotion.

19 (e) Providing that the board shall recommend to the
20 Secretary and the Secretary shall fix the assessment rate
21 required for such costs as may be incurred pursuant to sub-
22 section (d) of this section; but in no event shall the assess-
23 ment rate exceed 1 cent per one hundred pounds of potatoes
24 handled.

25 (f) Providing that—

1 (1) funds collected by the board shall be used for
2 research, development, advertising, or promotion of
3 potatoes and potato products and such other expenses
4 for the administration, maintenance, and functioning of
5 the board, as may be authorized by the Secretary;

6 (2) no advertising or sales promotion program shall
7 make any reference to private brand names or use false
8 or unwarranted claims in behalf of potatoes or their
9 products or false or unwarranted statements with respect
10 to the attributes or use of any competing products; and

11 (3) no funds collected by the board shall in any
12 manner be used for the purpose of influencing govern-
13 mental policy or action, except as provided by subsection
14 (a) (4) of this section.

15 (g) Providing that, notwithstanding any other pro-
16 visions of this title, any potato producer against whose po-
17 tatoes any assessment is made and collected under authority
18 of this title and who is not in favor of supporting the
19 research and promotion program as provided for under this
20 title shall have the right to demand and receive from the
21 board a refund of such assessment: *Provided*, That such
22 demand shall be made personally by such producer in accord-
23 ance with regulations and on a form and within a time period
24 prescribed by the board and approved by the Secretary, but
25 in no event less than ninety days, and upon submission of

1 proof satisfactory to the board that the producer paid the
 2 assessment for which refund is sought, and any such refund
 3 shall be made within sixty days after demand therefor.

4 (h) Providing that the board shall, subject to the pro-
 5 visions of subsections (e) and (f) of this section, develop
 6 and submit to the Secretary for his approval any research,
 7 development, advertising or promotion programs or projects,
 8 and that any such program or project must be approved by
 9 the Secretary before becoming effective.

10 (i) Providing the board with authority to enter into
 11 contracts or agreements, with the approval of the Secretary,
 12 for the development and carrying out of research, develop-
 13 ment, advertising or promotion programs or projects, and the
 14 payment of the cost thereof with funds collected pursuant
 15 to this title.

16 (j) Providing that the board shall maintain books and
 17 records and prepare and submit to the Secretary such reports
 18 from time to time as may be prescribed for appropriate ac-
 19 counting with respect to the receipt and disbursement of
 20 funds entrusted to it and cause a complete audit report to be
 21 submitted to the Secretary at the end of each fiscal period.

22 PERMISSIVE TERMS IN PLANS

23 SEC. 209. Any plan issued pursuant to this title may
 24 contain one or more of the following terms and conditions:

25 (a) Providing authority to exempt from the provisions

1 of the plan potatoes used for nonfood uses, and authority for
2 the board to require satisfactory safeguards against improper
3 use of such exemptions.

4 (b) Providing for authority to designate different
5 handler payment and reporting schedules to recognize dif-
6 ferences in marketing practices and procedures utilized in
7 different production areas.

8 (c) Providing for the establishment, issuance, effectua-
9 tion, and administration of appropriate programs or projects
10 for the advertising and sales promotion of potatoes and
11 potato products and for the disbursement of necessary funds
12 for such purposes: *Provided, however,* That any such pro-
13 gram or project shall be directed toward increasing the
14 general demand for potatoes and potato products: *And pro-*
15 *vided further,* That such promotional activities shall comply
16 with the provisions of section 208 (f) of this title.

17 (d) Providing for establishing and carrying on research
18 and development projects and studies to the end that the
19 marketing and utilization of potatoes may be encouraged,
20 expanded, improved, or made more efficient, and for the
21 disbursement of necessary funds for such purposes.

22 (e) Providing for authority to accumulate reserve funds
23 from assessments collected pursuant to this title, to permit
24 an effective and continuous coordinated program of research,
25 development, advertising, and promotion in years when the

1 production and assessment income may be reduced: *Pro-*
2 *vided*, That the total reserve fund does not exceed the amount
3 budgeted for two years' operation.

4 (f) Providing for authority to use funds collected herein,
5 with the approval of the Secretary, for the development and
6 expansion of potato and potato product sales in foreign
7 markets.

8 (g) Terms and conditions incidental to and not incon-
9 sistent with the terms and conditions specified in this title
10 and necessary to effectuate the other provisions of such plan.

11 ASSESSMENTS

12 SEC. 210. (a) Each handler designated by the board,
13 pursuant to regulations issued under the plan, to make pay-
14 ment of assessments shall be responsible for payment to the
15 board, as it may direct, of any assessment levied on potatoes;
16 and such handler may collect from any producer or deduct
17 from the proceeds paid to any producer, on whose potatoes
18 such assessment is made, any such assessment required to be
19 paid by such handler. Such handler shall maintain a separate
20 record with respect to each producer for whom potatoes
21 were handled, and such records shall indicate the total
22 quantity of potatoes handled by him including those handled
23 for producers and for himself, shall indicate the total
24 quantity of potatoes handled by him which are included
25 under the terms of a plan as well as those which are exempt

1 under such plan, and shall indicate such other information
2 as may be prescribed by the board. To facilitate the collec-
3 tion and payment of such assessments, the board may desig-
4 nate different handlers or classes of handlers to recognize
5 difference in marketing practices or procedures utilized in
6 any State or area. No more than one such assessment shall
7 be made on any potatoes.

8 (b) Handlers responsible for payment of assessments
9 under subsection (a) of this section shall maintain and make
10 available for inspection by the Secretary such books and
11 records as required by the plan and file reports at the times,
12 in the manner, and having the content prescribed by the
13 plan, to the end that information and data shall be made
14 available to the board and to the Secretary which is appro-
15 priate or necessary to the effectuation, administration, or
16 enforcement of this title or of any plan or regulation issued
17 pursuant to this title.

18 (c) All information obtained pursuant to subsections
19 (a) and (b) of this section shall be kept confidential by all
20 officers and employees of the Department of Agriculture and
21 of the board, and only such information so furnished or
22 acquired as the Secretary deems relevant shall be disclosed
23 by them, and then only in a suit or administrative hearing
24 brought at the direction, or upon the request, of the Secre-

1 tary, or to which he or any officer of the United States is a
2 party, and involving the plan with reference to which the
3 information to be disclosed was furnished or acquired.
4 Nothing in this section shall be deemed to prohibit—

5 (1) the issuance of general statements based upon
6 the reports of a number of handlers subject to a plan
7 if such statements do not identify the information fur-
8 nished by any person, or

9 (2) the publication by direction of the Secretary
10 of the name of any person violating any plan together
11 with a statement of the particular provisions of the plan
12 violated by such person.

13 Any such officer or employee violating the provisions of this
14 subsection shall upon conviction be subject to a fine of not
15 more than \$1,000 or imprisonment for not more than one
16 year, or both, and shall be removed from office.

17 PETITION AND REVIEW

18 SEC. 211. (a) Any person subject to a plan may file a
19 written petition with the Secretary, stating that such plan
20 or any provision of such plan or any obligation imposed in
21 connection therewith is not in accordance with law and
22 praying for a modification thereof or to be exempted there-
23 from. He shall thereupon be given an opportunity for a hear-
24 ing upon such petition, in accordance with regulations made

1 by the Secretary. After such hearing, the Secretary shall
2 make a ruling upon the prayer of such petition which shall
3 be final, if in accordance with law.

4 (b) The district courts of the United States in any dis-
5 trict in which such person is an inhabitant, or has his prin-
6 cipal place of business, are hereby vested with jurisdiction to
7 review such ruling: *Provided*, That a complaint for that pur-
8 pose is filed within twenty days from the date of the entry of
9 such ruling. Service of process in such proceedings may be
10 had upon the Secretary by delivering to him a copy of the
11 complaint. If the court determines that such ruling is not in
12 accordance with law, it shall remand such proceedings to the
13 Secretary with directions either (1) to make such ruling as
14 the court shall determine to be in accordance with law, or
15 (2) to take such further proceedings as, in its opinion, the
16 law requires. The pendency of proceedings instituted pur-
17 suant to subsection (a) of this section shall not impede,
18 hinder, or delay the United States or the Secretary from
19 obtaining relief pursuant to section 212 (a) of this title.

20

ENFORCEMENT

21 SEC. 212. (a) The several district courts of the United
22 States are vested with jurisdiction specifically to enforce, and
23 to prevent and restrain any person from violating, any plan
24 or regulation made or issued pursuant to this title.

25

(b) Any handler who violates any provisions of any

1 plan issued by the Secretary under this title, or who fails
2 or refuses to remit any assessment or fee duly required of
3 him thereunder shall be subject to criminal prosecution and
4 shall be fined not less than \$100 nor more than \$1,000 for
5 each such offense.

6 INVESTIGATION AND POWER TO SUBPENA

7 SEC. 213. (a) The Secretary may make such investi-
8 gations as he deems necessary for the effective carrying out
9 of his responsibilities under this title or to determine
10 whether a handler or any other person has engaged or is
11 engaging in any acts or practices which constitute a violation
12 of any provision of this title, or of any plan, or rule or
13 regulation issued under this title. For the purpose of
14 any such investigation, the Secretary is empowered to ad-
15 minister oaths and affirmations, subpoena witnesses, compel
16 their attendance, take evidence, and require the production
17 of any books, papers, and documents which are relevant to
18 the inquiry. Such attendance of witnesses and the produc-
19 tion of any such records may be required from any place in
20 the United States. In case of contumacy by, or refusal to
21 obey a subpoena issued to, any person, including a handler,
22 the Secretary may invoke the aid of any court of the United
23 States within the jurisdiction of which such investigation or
24 proceeding is carried on, or where such person resides or
25 carries on business, in requiring the attendance and testimony

1 of witnesses and the production of books, papers, and docu-
2 ments; and such court may issue an order requiring such
3 person to appear before the Secretary, there to produce
4 records, if so ordered, or to give testimony touching the
5 matter under investigation. Any failure to obey such order
6 of the court may be punished by such court as contempt
7 thereof. All process in any such case may be served in the
8 judicial district whereof such person is an inhabitant or
9 wherever he may be found. The site of any hearings held
10 under this section shall be within the judicial district where
11 such handler or other person is an inhabitant or has his
12 principal place of business.

13 (b) No person shall be excused from attending and
14 testifying or from producing books, papers, and documents
15 before the Secretary, or in obedience to the subpoena of the
16 Secretary, or in any cause or proceeding, criminal or other-
17 wise, based upon, or growing out of any alleged violation
18 of this title, or of any plan, or rule or regulation issued there-
19 under on the ground or for the reason that the testimony or
20 evidence, documentary or otherwise, required of him may
21 tend to incriminate him or subject him to a penalty or for-
22 feiture; but no individual shall be prosecuted or subjected to
23 any penalty or forfeiture for or on account of any transaction,
24 matter, or thing concerning which he is compelled, after
25 having claimed his privilege against self-incrimination, to

1 testify or produce evidence, documentary or otherwise, ex-
2 cept that any individual so testifying shall not be exempt
3 from prosecution and punishment for perjury committed in
4 so testifying.

5 REQUIREMENT OF REFERENDUM

6 SEC. 214. The Secretary shall conduct a referendum
7 among producers who, during a representative period de-
8 termined by the Secretary, have been engaged in the produc-
9 tion of potatoes for the purpose of ascertaining whether the
10 issuance of a plan is approved or favored by producers. No
11 plan issued pursuant to this title shall be effective unless
12 the Secretary determines that the issuance of such plan is
13 approved or favored by not less than two-thirds of the pro-
14 ducers voting in such referendum, or by the producers of not
15 less than two-thirds of the potatoes produced during the rep-
16 resentative period by producers voting in such referendum,
17 and by not less than a majority of the producers voting in
18 such referendum. The ballots and other information or re-
19 ports which reveal or tend to reveal the vote of any producer
20 or his production of potatoes shall be held strictly confiden-
21 tial and shall not be disclosed. Any officer or employee of the
22 Department of Agriculture violating the provisions hereof
23 shall upon conviction be subject to the penalties provided in
24 paragraph 210 (c) above.

1 SUSPENSION OR TERMINATION OF PLANS

2 SEC. 215. (a) The Secretary shall, whenever he finds
3 that a plan or any provision thereof obstructs or does not tend
4 to effectuate the declared policy of this title, terminate or
5 suspend the operation of such plan or such provision thereof.

6 (b) The Secretary may conduct a referendum at any
7 time and shall hold a referendum on request of the board
8 or of 10 per centum or more of the potato producers to de-
9 termine if potato producers favor the termination or sus-
10 pension of the plan, and he shall terminate or suspend such
11 plan at the end of the marketing year whenever he deter-
12 mines that such suspension or termination is favored by a
13 majority of those voting in a referendum, and who produce
14 more than 50 per centum of the volume of the potatoes pro-
15 duced by the potato producers voting in the referendum.

16 AMENDMENT PROCEDURE

17 SEC. 216. The provisions of this title applicable to plans
18 shall be applicable to amendments to plans.

19 SEPARABILITY

20 SEC. 217. If any provision of this title or the application
21 thereof to any person or circumstances is held invalid, the
22 validity of the remainder of this title and of the application
23 of such provision to other persons and circumstances shall
24 not be affected thereby.

AUTHORIZATION

SEC. 218. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 219. This title shall take effect upon enactment.

TITLE III—RESTRICTIONS ON IMPORTED
COMMODITIES

SEC. 301. Section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between “tomatoes” and “avocadoes,” the following: “raisins, olives, prunes”.

A BILL

To amend section 8e(6) (1) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes.

By Mr. SISK, Mr. FOLEY, Mr. ASPINALL, Mr. ANDREWS
of North Dakota, Mr. HATHAWAY, Mr. JOHNSON of
California, Mr. JONES of North Carolina, Mr.
KYROS, Mr. MATTHIAS, Mr. ULLMAN, Mr. McFALL,
Mr. GUBSER, Mr. HANSEN of Idaho, and Mr.
TALCOTT

AUGUST 10, 1970

Referred to the Committee on Agriculture

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of August 11, 1970
91st-2nd; No. 138

CONTENTS

Agriculture Committee	Federal Home Loan	National Governor's
Action.....1	Bank.....9	Conference.....10
Appropriations.....4,8	Foreign trade.....5	National Forest.....20
Conservancy.....3	Grants-in-aid.....17	Personnel.....21
Conservation.....7	Home loans.....9	Pesticides.....12,15
Cooperatives.....2	Housing.....9	Pollution.....6,14,19
Council on Environmental	Marketing agreement.....1	River basins.....19
Quality.....10	Meat.....15	River basins project.....3
Cotton growers.....12	Migrant workers.....11	Social Security.....16
Environment.....10	National Corporation for	Tobacco.....1
Farmworkers.....13	Housing Partnerships..9	Veto Messages.....4

HIGHLIGHTS: House committee voted to report bills authorizing lease of Burley tobacco acreage allotments and amending Agricultural Marketing Agreement Act of 1937.
House agreed to conference report on bill amending D. C. Cooperative Association Act.

HOUSE

1. AGRICULTURE COMMITTEE ACTION. Voted to report (but did not actually report) the following bills:

~~H.R. 18686, amended, authorizing the lease and transfer of Burley tobacco acreage allotments;~~

H.R. 18884, amended, to amend various sections of the Agricultural Marketing Agreement Act of 1937, as amended. p. D899

2. COOPERATIVES. Agreed to the conference report on H.R. 17711, amending the District of Columbia Cooperative Association Act. This bill now goes to the President. pp. H8053-4
3. RIVER BASIN PROJECTS. Conferees agreed to file a report on S. 3547, authorizing the construction, operation, and maintenance of the Narrows unit, Missouri River Basin project, Colorado. p. D901
Committee on Public Works reported H.J. Res. 1179, granting the consent of Congress to amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin, without amendment (H. Rept. No. 91-1405). p. H8121
Committee on Rules reported the following:
H. Res. 1185, providing for the consideration of H.R. 7521, reauthorizing the Riverton extension unit, Missouri River Basin project, to include the entire Riverton Federal reclamation project.
H. Res. 1189, providing for the consideration of HR 16987, authorizing the construction, operation, and maintenance of the Minor extension of the Garrison diversion unit of the Missouri River Basin project, North Dakota. p. H8121
4. VETO MESSAGES. Received messages from the President conveying vetoes on the following bills:
H.R. 16916, the Office of Education appropriation bill, FY 71 (H. Doc. 91-376);
H.R. 17548, the HUD and Independent Agencies appropriation bill, FY 71 (H. Doc. 91-377). pp. H8089-90
Rep. Cohelan stated he was appalled by the veto and urged it be overridden. pp. H8109-10
5. FOREIGN TRADE. Committee on Ways and Means, in executive session, concluded decisions on the trade bill. The committee will meet on August 13 to review a draft of the bill and to instruct the chairman to introduce it. p. D901
6. POLLUTION. Rep. Hanley questioned how much longer we can last as a society while continuing to pollute the waters and air. p. H8052
7. CONSERVATION. Rep. Boggs stated that the proposed merger of the National Rivers and Harbors Congress and Water Resources Associated would bring together two of the Nation's most effective groups working for water conservation and water resource development, and inserted two articles discussing the merger. p. H8113

INDEX of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of September 28, 1970
91st-2nd; No. 169

CONTENTS

Agriculture.....4	Federal employee health	Mink Farming.....1
Environmental Protection	benefits.....10	National Oceanic &
Agency.....2	Hunger.....5	Atmospheric Adm.....2
Federal Assistance	Indian claims.....9	Reorganization Plans
Catalogue.....2	Johnny Horizon.....11	No. 3 & 4.....2,3
Farm Bill.....4	Irrigation.....8	River Basins.....7
		Tobacco.....6
		Veterinary medicine.....5

HIGHLIGHTS: Rep. Findley stated that the Farm Bill passed is a three year extension of present law with costly gimmicks to the advantage of cotton farmers and to the disadvantage of midwestern farmers.

SENATE

1. MINK FARMING. Agriculture and Forestry subcommittee concluded hearings on S. 3921, to authorize emergency loans to mink farmers, receiving testimony from Jack Frost, FHA, and others (no report filed). p. D1064

HOUSE

MARKET PROMOTION. Reported with amendments, H.R. 18884 to provide extension of restrictions on imported commodities. H. Rept. 91-1480.

2. FEDERAL ASSISTANCE CATALOG; REORGANIZATION PLANS NO. 3 & 4. Committee on Government Operations ordered favorably reported (but did not actually report) S. 60, to create a catalog of Federal assistance programs (amended); and adversely reported S. Res. 433, disapproving Reorganization Plan No. 4, to establish a National Oceanic and Atmospheric Administration in the Department of Commerce. The Committee approved Reorganization Plan No. 3 to establish an independent Environmental Protection Agency. p. D1064

HOUSE

3. REORGANIZATION PLANS NO. 3 & 4. By voice vote, rejected H. Res. 1209 and H. Res. 1210 (both of which expressed disapproval of the Presidential proposals) thus approving the Reorganization Plans. pp. H9266-9280; H9281-92

EXTENSION OF REMARKS

4. AGRICULTURE. Rep. Findley repeated his disapproval of the Farm Bill, noting that 95% of the farmers in his district voted for substantial change and reform of the farm programs. p. E8647
5. HUNGER. Rep. Nelsen (Minn.) placed in the Record a paper "Protein For Tomorrow's Faces of Hunger" which attests to the importance of veterinary medicine in maintaining our ability to provide good protein food to our ever-increasing population. p. E8650
6. TOBACCO. Rep. Gude recalled the importance of tobacco to the early Maryland economy inserting in the Record a report on the early history of Port Tobacco. p. E8677

BILLS APPROVED BY THE PRESIDENT

7. RIVER BASIN. SJ. Res. 67, granting congressional consent to certain amendments to compact creating Potomac Valley Conservancy District and establish the Interstate Commission on the Potomac River Basin. Approved September 25, 1970 (Public Law 91-407).
S. 434, to reauthorize the Riverton extension unit, Missouri River Basin, to include therein the entire Riverton Federal reclamation project. Approved September 25, 1970 (Public Law 91-409).
S. 2808, to authorize construction of the Minot extension of the Garrison diversion unit of the Missouri River Basin project, North Dakota. Approved September 25, 1970 (Public Law 91-415).





91ST CONGRESS
2D SESSION

H. R. 18884

[Report No. 91-1480]

IN THE HOUSE OF REPRESENTATIVES

AUGUST 10, 1970

Mr. SISK (for himself, Mr. FOLEY, Mr. ASPINALL, Mr. ANDREWS of North Dakota, Mr. HATHAWAY, Mr. JOHNSON of California, Mr. JONES of North Carolina, Mr. KYROS, Mr. MATHIAS, Mr. ULLMAN, Mr. McFALL, Mr. GUBSER, Mr. HANSEN of Idaho, and Mr. TALCOTT) introduced the following bill; which was referred to the Committee on Agriculture

SEPTEMBER 28, 1970

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend section 8c (6) (I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8c of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 *TITLE I—ADVERTISING PROJECTS: MILK*

4 *SEC. 101. The Agricultural Adjustment Act, as re-*
5 *enacted and amended by the Agricultural Marketing Agree-*

1 ment Act of 1937, as amended, is further amended, by adding
2 at the end of subsection 8c(5) the following new sub-
3 paragraph (I):

4 “(I) Establishing or providing for the establishment
5 of research and development projects, and advertising (ex-
6 cluding brand advertising), sales promotion, educational,
7 and other programs, designed to improve or promote the
8 domestic marketing and consumption of milk and its prod-
9 ucts, to be financed by producers in a manner and at a rate
10 specified in the order, on all producer milk under the order.
11 Producer contributions under this subparagraph may be
12 deducted from funds due producers in computing total pool
13 value or otherwise computing total funds due producers and
14 such deductions shall be in addition to the adjustments au-
15 thorized by subparagraph (B) of subsection 8c(5). Provi-
16 sion may be made in the order to exempt, or allow suitable
17 adjustments or credits in connection with, milk on which a
18 mandatory checkoff for advertising or marketing research as
19 required under the authority of any State law. Such funds
20 shall be paid to an agency organized by milk producers and
21 producers’ cooperative associations in such form and with
22 such methods of operation as shall be specified in the order.
23 Such agency may expend such funds for any of the purposes
24 authorized by this subparagraph and may designate, employ-
25 and allocate funds to persons and organizations engaged in

1 such programs which meet the standards and qualifications
 2 specified in the order. All funds collected under this sub-
 3 paragraph shall be separately accounted for and shall be
 4 used only for the purposes for which they were collected.
 5 Programs authorized by this subparagraph may be either
 6 local or national in scope, or both, as provided in the order,
 7 but shall not be international. Order provisions under this
 8 subparagraph shall not become effective in any marketing
 9 order unless such provisions are approved by producers
 10 separately from other order provisions, in the same manner
 11 provided for the approval of marketing orders, and may be
 12 terminated separately whenever the Secretary makes a deter-
 13 mination with respect to such provisions as is provided for
 14 the termination of an order in subsection 8c(16)(B). Dis-
 15 approval or termination of such order provisions shall not
 16 be considered disapproval of the order or of other terms of
 17 the order."

18 TITLE I II—ADVERTISING PROJECTS: OTHER
 19 COMMODITIES

20 SEC. ~~101~~. 201. Section 8c(6)(I) of the Agricultural
 21 Adjustment Act of 1933, as amended, and as reenacted and
 22 amended by the Agricultural Marketing Agreement Act of
 23 1937, as amended, is amended to read as follows:

24 "Establishing or providing for the establishment of
 25 production research, marketing research, and development

1 projects designed to assist, improve, or promote the market-
 2 ing, distribution, and consumption or efficient production of
 3 any such commodity or product, the expense of such projects
 4 to be paid from funds collected pursuant to the marketing
 5 order: *Provided*, That with respect to those commodities
 6 specified in section 8c(2) of this Act, such projects may
 7 provide for any form of marketing promotion including paid
 8 advertising: *Provided further*, That the inclusion in a Fed-
 9 eral marketing order of provisions for research shall not be
 10 deemed to preclude, preempt, or supersede research provi-
 11 sions in any State program covering the same commodity.”

12 TITLE H III—POTATO RESEARCH AND 13 PROMOTION

14 This title may be cited as the “Potato Research and Pro-
 15 motion Act”.

16 FINDINGS AND DECLARATION OF POLICY

17 SEC. ~~202~~ 302. Potatoes are a basic food in the United
 18 States. They are produced by many individual potato growers
 19 in every State in the United States. In 1966, there were one
 20 million four hundred and ninety-seven thousand acres of
 21 cropland in the United States devoted to the production of
 22 potatoes. Approximately two hundred and seventy-five
 23 million hundredweight of potatoes have been produced
 24 annually during the past five years with an estimated sales
 25 value to the potato producers of \$561,000,000.

26 Potatoes and potato products move, in a large part, in

1 the channels of interstate commerce, and potatoes which do
2 not move in such channels directly burden or affect inter-
3 state commerce in potatoes and potato products. All potatoes
4 produced in the United States are in the current of interstate
5 commerce or directly burden, obstruct, or affect interstate
6 commerce in potatoes and potato products.

7 The maintenance and expansion of existing potato mar-
8 kets and the development of new or improved markets are
9 vital to the welfare of potato growers and those concerned
10 with marketing, using, and processing potatoes as well as the
11 general economic welfare of the Nation.

12 Therefore, it is the declared policy of the Congress and
13 the purpose of this title that it is essential in the public
14 interest, through the exercise of the powers provided herein,
15 to authorize the establishment of an orderly procedure for
16 the financing, through adequate assessments on all potatoes
17 harvested in the United States for commercial use, and the
18 carrying out of an effective and continuous coordinated pro-
19 gram of research, development, advertising, and promotion
20 designed to strengthen potatoes' competitive position, and to
21 maintain and expand domestic and foreign markets for pota-
22 toes produced in the United States.

23 DEFINITIONS

24 SEC. ~~203~~ 303. As used in this title:

25 (a) The term "Secretary" means the Secretary of
26 Agriculture.

1 (b) The term "person" means any individual, partner-
2 ship, corporation, association, or other entity.

3 (c) The term "potatoes" means all varieties of Irish
4 potatoes grown by producers in the forty-eight contiguous
5 States of the United States.

6 (d) The term "handler" means any person (except a
7 common or contract carrier of potatoes owned by another
8 person) who handles potatoes in a manner specified in a
9 plan issued pursuant to this title or in the rules and regula-
10 tions issued thereunder.

11 (e) The term "producer" means any person engaged
12 in the growing of five or more acres of potatoes.

13 (f) The term "promotion" means any action taken
14 by the National Potato Promotion Board, pursuant to this
15 title, to present a favorable image for potatoes to the public
16 with the express intent of improving their competitive
17 positions and stimulating sales of potatoes and shall include,
18 but shall not be limited to, paid advertising.

19 AUTHORITY TO ISSUE A PLAN

20 SEC. ~~204~~ 304. To effectuate the declared policy of this
21 title, the Secretary shall, subject to the provisions of this title,
22 issue and from time to time amend, orders applicable to per-
23 sons engaged in the handling of potatoes (hereinafter re-
24 ferred to as handlers) and shall have authority to issue orders
25 authorizing the collection of assessments on potatoes handled

1 under the provisions of this title, and to authorize the use
2 of such funds to provide research, development, advertising,
3 and promotion of potatoes in a manner prescribed in this
4 title. Any order issued by the Secretary under this title shall
5 hereinafter in this title be referred to as a "plan". Any such
6 plan shall be applicable to potatoes produced in the forty-
7 eight contiguous States of the United States.

8 NOTICE AND HEARINGS

9 SEC. ~~205~~ 305. When sufficient evidence is presented to
10 the Secretary by potato producers, or whenever the Secretary
11 has reason to believe that a plan will tend to effectuate the
12 declared policy of this title, he shall give due notice and
13 opportunity for a hearing upon a proposed plan. Such
14 hearing may be requested by potato producers or by any
15 other interested person or persons, including the Secretary,
16 when the request for such hearing is accompanied by a
17 proposal for a plan.

18 FINDING AND ISSUANCE OF A PLAN

19 SEC. ~~206~~ 306. After notice and opportunity for hearing,
20 the Secretary shall issue a plan if he finds, and sets forth in
21 such plan, upon the evidence introduced at such hearing,
22 that the issuance of such plan and all the terms and condi-
23 tions thereof will tend to effectuate the declared policy of
24 this title.

1 REGULATIONS

2 SEC. ~~207~~ 307. The Secretary is authorized to make such
3 regulations with the force and effect of law, as may be nec-
4 essary to carry out the provisions of this title and the powers
5 vested in him by this title.

6 REQUIRED TERMS IN PLANS

7 SEC. ~~208~~ 308. Any plan issued pursuant to this title shall
8 contain the following terms and conditions:

9 (a) Providing for the establishment by the Secretary
10 of a National Potato Promotion Board (hereinafter referred
11 to as "the board") and for defining its powers and duties,
12 which shall include powers—

13 (1) to administer such plan in accordance with its
14 terms and conditions;

15 (2) to make rules and regulations to effectuate the
16 terms and conditions of such plan;

17 (3) to receive, investigate, and report to the Sec-
18 retary complaints of violations of such plan; and

19 (4) to recommend to the Secretary amendments to
20 such plan.

21 (b) Providing that the board shall be composed of
22 representatives of producers selected by the Secretary from
23 nominations made by producers in such manner as may be
24 prescribed by the Secretary. In the event producers fail to
25 select nominees for appointment to the board, the Secretary

1 shall appoint producers on the basis of representation pro-
2 vided for in such plan.

3 (c) Providing that board members shall serve without
4 compensation, but shall be reimbursed for reasonable ex-
5 penses incurred in performing their duties as members of the
6 board.

7 (d) Providing that the board shall prepare and submit
8 to the Secretary for his approval a budget, on a fiscal period
9 basis, of its anticipated expenses and disbursements in the
10 administration of the plan, including probable costs of re-
11 search, development, advertising, and promotion.

12 (e) Providing that the board shall recommend to the
13 Secretary and the Secretary shall fix the assessment rate
14 required for such costs as may be incurred pursuant to sub-
15 section (d) of this section; but in no event shall the assess-
16 ment rate exceed 1 cent per one hundred pounds of potatoes
17 handled.

18 (f) Providing that—

19 (1) funds collected by the board shall be used for
20 research, development, advertising, or promotion of
21 potatoes and potato products and such other expenses
22 for the administration, maintenance, and functioning of
23 the board, as may be authorized by the Secretary;

24 (2) no advertising or sales promotion program shall

1 make any reference to private brand names or use false
2 or unwarranted claims in behalf of potatoes or their
3 products or false or unwarranted statements with respect
4 to the attributes or use of any competing products; and

5 (3) no funds collected by the board shall in any
6 manner be used for the purpose of influencing govern-
7 mental policy or action, except as provided by subsection
8 (a) (4) of this section.

9 (g) Providing that, notwithstanding any other pro-
10 visions of this title, any potato producer against whose po-
11 tatoes any assessment is made and collected under authority
12 of this title and who is not in favor of supporting the
13 research and promotion program as provided for under this
14 title shall have the right to demand and receive from the
15 board a refund of such assessment: *Provided*, That such
16 demand shall be made personally by such producer in accord-
17 ance with regulations and on a form and within a time period
18 prescribed by the board and approved by the Secretary, but
19 in no event less than ninety days, and upon submission of
20 proof satisfactory to the board that the producer paid the
21 assessment for which refund is sought, and any such refund
22 shall be made within sixty days after demand therefor.

23 (h) Providing that the board shall, subject to the pro-
24 visions of subsections (e) and (f) of this section, develop
25 and submit to the Secretary for his approval any research,

1 development, advertising or promotion programs or projects,
2 and that any such program or project must be approved by
3 the Secretary before becoming effective.

4 (i) Providing the board with authority to enter into
5 contracts or agreements, with the approval of the Secretary,
6 for the development and carrying out of research, develop-
7 ment, advertising or promotion programs or projects, and the
8 payment of the cost thereof with funds collected pursuant
9 to this title.

10 (j) Providing that the board shall maintain books and
11 records and prepare and submit to the Secretary such reports
12 from time to time as may be prescribed for appropriate ac-
13 counting with respect to the receipt and disbursement of
14 funds entrusted to it and cause a complete audit report to be
15 submitted to the Secretary at the end of each fiscal period.

16 PERMISSIVE TERMS IN PLANS

17 SEC. ~~209~~ 309. Any plan issued pursuant to this title may
18 contain one or more of the following terms and conditions:

19 (a) Providing authority to exempt from the provisions
20 of the plan potatoes used for nonfood uses, and authority for
21 the board to require satisfactory safeguards against improper
22 use of such exemptions.

23 (b) Providing for authority to designate different
24 handler payment and reporting schedules to recognize dif-

1 ferences in marketing practices and procedures utilized in
2 different production areas.

3 (c) Providing for the establishment, issuance, effectua-
4 tion, and administration of appropriate programs or projects
5 for the advertising and sales promotion of potatoes and
6 potato products and for the disbursement of necessary funds
7 for such purposes: *Provided, however,* That any such pro-
8 gram or project shall be directed toward increasing the
9 general demand for potatoes and potato products: *And pro-*
10 *vided further,* That such promotional activities shall comply
11 with the provisions of section ~~208~~ 308 (f) of this title.

12 (d) Providing for establishing and carrying on research
13 and development projects and studies to the end that the
14 marketing and utilization of potatoes may be encouraged,
15 expanded, improved, or made more efficient, and for the
16 disbursement of necessary funds for such purposes.

17 (e) Providing for authority to accumulate reserve funds
18 from assessments collected pursuant to this title, to permit
19 an effective and continuous coordinated program of research,
20 development, advertising, and promotion in years when the
21 production and assessment income may be reduced: *Pro-*
22 *vided,* That the total reserve fund does not exceed the amount
23 budgeted for two years' operation.

24 (f) Providing for authority to use funds collected herein,
25 with the approval of the Secretary, for the development and

1 expansion of potato and potato product sales in foreign
2 markets.

3 (g) Terms and conditions incidental to and not incon-
4 sistent with the terms and conditions specified in this title
5 and necessary to effectuate the other provisions of such plan.

6 ASSESSMENTS

7 SEC. ~~240~~ 310. (a) Each handler designated by the
8 board, pursuant to regulations issued under the plan, to make
9 payment of assessments shall be responsible for payment to
10 the board, as it may direct, of any assessment levied on
11 potatoes; and such handler may collect from any producer
12 or deduct from the proceeds paid to any producer, on whose
13 potatoes such assessment is made, any such assessment re-
14 quired to be paid by such handler. Such handler shall main-
15 tain a separate record with respect to each producer for
16 whom potatoes were handled, and such records shall indicate
17 the total quantity of potatoes handled by him including those
18 handled for producers and for himself, shall indicate the total
19 quantity of potatoes handled by him which are included
20 under the terms of a plan as well as those which are exempt
21 under such plan, and shall indicate such other information
22 as may be prescribed by the board. To facilitate the collec-
23 tion and payment of such assessments, the board may desig-
24 nate different handlers or classes of handlers to recognize
25 difference in marketing practices or procedures utilized in

1 any State or area. No more than one such assessment shall
2 be made on any potatoes.

3 (b) Handlers responsible for payment of assessments
4 under subsection (a) of this section shall maintain and make
5 available for inspection by the Secretary such books and
6 records as required by the plan and file reports at the times,
7 in the manner, and having the content prescribed by the
8 plan, to the end that information and data shall be made
9 available to the board and to the Secretary which is appro-
10 priate or necessary to the effectuation, administration, or
11 enforcement of this title or of any plan or regulation issued
12 pursuant to this title.

13 (c) All information obtained pursuant to subsections
14 (a) and (b) of this section shall be kept confidential by all
15 officers and employees of the Department of Agriculture and
16 of the board, and only such information so furnished or
17 acquired as the Secretary deems relevant shall be disclosed
18 by them, and then only in a suit or administrative hearing
19 brought at the direction, or upon the request, of the Secre-
20 tary, or to which he or any officer of the United States is a
21 party, and involving the plan with reference to which the
22 information to be disclosed was furnished or acquired. Noth-
23 ing in this section shall be deemed to prohibit—

24 (1) the issuance of general statements based upon
25 the reports of a number of handlers subject to a plan

1 if such statements do not identify the information fur-
2 nished by any person, or

3 (2) the publication by direction of the Secretary
4 of the name of any person violating any plan together
5 with a statement of the particular provisions of the plan
6 violated by such person.

7 Any such officer or employee violating the provisions of this
8 subsection shall upon conviction be subject to a fine of not
9 more than \$1,000 or imprisonment for not more than one
10 year, or both, and shall be removed from office.

11 PETITION AND REVIEW

12 SEC. ~~211~~ 311. (a) Any person subject to a plan may
13 file a written petition with the Secretary, stating that such
14 plan or any provision of such plan or any obligation imposed
15 in connection therewith is not in accordance with law and
16 praying for a modification thereof or to be exempted there-
17 from. He shall thereupon be given an opportunity for a hear-
18 ing upon such petition, in accordance with regulations made
19 by the Secretary. After such hearing, the Secretary shall
20 make a ruling upon the prayer of such petition which shall
21 be final, if in accordance with law.

22 (b) The district courts of the United States in any
23 district in which such person is an inhabitant, or has his
24 principal place of business, are hereby vested with juris-
25 diction to review such ruling: *Provided*, That a complaint

1 for that purpose is filed within twenty days from the date
2 of the entry of such ruling. Service of process in such pro-
3 ceedings may be had upon the Secretary by delivering to
4 him a copy of the complaint. If the court determines that
5 such ruling is not in accordance with law, it shall remand
6 such proceedings to the Secretary with directions either (1)
7 to make such ruling as the court shall determine to be in
8 accordance with law, or (2) to take such further proceed-
9 ings as, in its opinion, the law requires. The pendency of pro-
10 ceedings instituted pursuant to subsection (a) of this section
11 shall not impede, hinder, or delay the United States or the
12 Secretary from obtaining relief pursuant to section ~~242~~ 312
13 (a) of this title.

14 ENFORCEMENT

15 SEC. ~~242~~ 312. (a) The several district courts of the
16 United States are vested with jurisdiction specifically to
17 enforce, and to prevent and restrain any person from violat-
18 ing, any plan or regulation made or issued pursuant to this
19 title.

20 (b) Any handler who violates any provisions of any
21 plan issued by the Secretary under this title, or who fails
22 or refuses to remit any assessment or fee duly required of
23 him thereunder shall be subject to criminal prosecution and
24 shall be fined not less than \$100 nor more than \$1,000 for
25 each such offense.

INVESTIGATION AND POWER TO SUBPENA

1 SEC. ~~243~~ 313. (a) The Secretary may make such in-
2 vestigations as he deems necessary for the effective carrying
3 out of his responsibilities under this title or to determine
4 whether a handler or any other person has engaged or is
5 engaging in any acts or practices which constitute a violation
6 of any provision of this title, or of any plan, or rule or
7 regulation issued under this title. For the purpose of any such
8 investigation, the Secretary is empowered to administer
9 oaths and affirmations, subpoena witnesses, compel their at-
10 tendance, take evidence, and require the production of any
11 books, papers, and documents which are relevant to the
12 inquiry. Such attendance of witnesses and the production of
13 any such records may be required from any place in the
14 United States. In case of contumacy by, or refusal to obey a
15 subpena issued to, any person, including a handler, the Secre-
16 tary may invoke the aid of any court of the United States
17 within the jurisdiction of which such investigation or pro-
18 ceeding is carried on, or where such person resides or carries
19 on business, in requiring the attendance and testimony of
20 witnesses and the production of books, papers, and docu-
21 ments; and such court may issue an order requiring such
22 person to appear before the Secretary, there to produce
23 records, if so ordered, or to give testimony touching the
24 matter under investigation. Any failure to obey such order
25

1 of the court may be punished by such court as contempt
2 thereof. All process in any such case may be served in the
3 judicial district whereof such person is an inhabitant or
4 wherever he may be found. The site of any hearings held
5 under this section shall be within the judicial district where
6 such handler or other person is an inhabitant or has his
7 principal place of business.

8 (b) No person shall be excused from attending and
9 testifying or from producing books, papers, and documents
10 before the Secretary, or in obedience to the subpoena of the
11 Secretary, or in any cause or proceeding, criminal or other-
12 wise, based upon, or growing out of any alleged violation
13 of this title, or of any plan, or rule or regulation issued there-
14 under on the ground or for the reason that the testimony or
15 evidence, documentary or otherwise, required of him may
16 tend to incriminate him or subject him to a penalty or for-
17 feiture; but no individual shall be prosecuted or subjected to
18 any penalty or forfeiture for or on account of any transaction,
19 matter, or thing concerning which he is compelled, after
20 having claimed his privilege against self-incrimination, to
21 testify or produce evidence, documentary or otherwise, ex-
22 cept that any individual so testifying shall not be exempt
23 from prosecution and punishment for perjury committed in
24 so testifying.

1 REQUIREMENT OF REFERENDUM

2 SEC. ~~244~~ 314. The Secretary shall conduct a referendum
3 among producers who, during a representative period de-
4 termined by the Secretary, have been engaged in the produc-
5 tion of potatoes for the purpose of ascertaining whether the
6 issuance of a plan is approved or favored by producers. No
7 plan issued pursuant to this title shall be effective unless
8 the Secretary determines that the issuance of such plan is
9 approved or favored by not less than two-thirds of the pro-
10 ducers voting in such referendum, or by the producers of not
11 less than two-thirds of the potatoes produced during the rep-
12 resentative period by producers voting in such referendum,
13 and by not less than a majority of the producers voting in
14 such referendum. The ballots and other information or re-
15 ports which reveal or tend to reveal the vote of any producer
16 or his production of potatoes shall be held strictly confiden-
17 tial and shall not be disclosed. Any officer or employee of the
18 Department of Agriculture violating the provisions hereof
19 shall upon conviction be subject to the penalties provided in
20 paragraph ~~240~~ 310 (c) above.

21 SUSPENSION OR TERMINATION OF PLANS

22 SEC. ~~245~~ 315. (a) The Secretary shall, whenever he
23 finds that a plan or any provision thereof obstructs or does
24 not tend to effectuate the declared policy of this title, termi-

1 nate or suspend the operation of such plan or such provision
2 thereof.

3 (b) The Secretary may conduct a referendum at any
4 time and shall hold a referendum on request of the board
5 or of 10 per centum or more of the potato producers to de-
6 termine if potato producers favor the termination or sus-
7 pension of the plan, and he shall terminate or suspend such
8 plan at the end of the marketing year whenever he deter-
9 mines that such suspension or termination is favored by a
10 majority of those voting in a referendum, and who produce
11 more than 50 per centum of the volume of the potatoes pro-
12 duced by the potato producers voting in the referendum.

13 AMENDMENT PROCEDURE

14 SEC. ~~246~~ 316. The provisions of this title applicable to
15 plans shall be applicable to amendments to plans.

16 SEPARABILITY

17 SEC. ~~247~~ 317. If any provision of this title or the ap-
18 plication thereof to any person or circumstances is held in-
19 valid, the validity of the remainder of this title and of the
20 application of such provision to other persons and circum-
21 stances shall not be affected thereby.

22 AUTHORIZATION

23 SEC. ~~248~~ 318. There is hereby made available from the
24 funds provided by section 32 of Public Law 320, Seventy-
25 fourth Congress (49 Stat. 774), as amended (7 U.S.C.

1 612c), such sums as are necessary to carry out the provisions
2 of this title: *Provided*, That no such sum shall be used for
3 the payment of any expenses or expenditures of the board in
4 administering any provision of any plan issued under author-
5 ity of this title.

6 EFFECTIVE DATE

7 SEC. ~~249~~ 319. This title shall take effect upon enact-
8 ment.

9 TITLE ~~III~~ IV—RESTRICTIONS ON IMPORTED
10 COMMODITIES

11 SEC. ~~304~~ 401. Section 8c of the Agricultural Adjust-
12 ment Act of 1933, as amended, as reenacted and amended by
13 the Agricultural Marketing Agreement Act of 1937, as
14 amended, and as amended by the Agricultural Act of 1961,
15 is amended by inserting in the first sentence thereof between
16 “tomatoes” and “avocadoes,” the following: “raisins, olives,
17 prunes”.

A BILL

To amend section 8e(6) (1) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes.

By Mr. SISK, Mr. FOLEY, Mr. ASPINALL, Mr. ANDREWS of North Dakota, Mr. HAYDAWAY, Mr. JOHNSON of California, Mr. JONES of North Carolina, Mr. KYROS, Mr. MATTHIAS, Mr. ULMAN, Mr. McFALL, Mr. GUBSER, Mr. HANSEN of Idaho, and Mr. TALCOTT

AUGUST 10, 1970

Referred to the Committee on Agriculture

SEPTEMBER 28, 1970

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

MARKET PROMOTION AND IMPORT RESTRICTIONS

SEPTEMBER 28, 1970.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POAGE, from the Committee on Agriculture,
submitted the following

REPORT

together with

DISSENTING VIEW

[To accompany H.R. 18884]

The Committee on Agriculture, to whom was referred the bill (H.R. 18884) to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 1, line 3, insert the following:

TITLE I—ADVERTISING PROJECTS: MILK

SEC. 101. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

“(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational,

and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research as required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order."

Page 1, line 3, delete the words: "TITLE I—ADVERTISING PROJECTS" and insert in lieu thereof the following: "TITLE II—ADVERTISING PROJECTS: OTHER COMMODITIES"

Page 1, line 4, delete the words: "SEC. 101." and insert in lieu thereof the following: "SEC. 201."

Page 2, line 16, delete the words: "TITLE II" and insert in lieu thereof the following: "TITLE III"

Page 2, line 20, delete the words: "SEC. 202." and insert in lieu thereof the following: "SEC. 302."

Page 4, line 4, delete the words: "SEC. 203." and insert in lieu thereof the following: "SEC. 303."

Page 5, line 2, delete the words: "SEC. 204." and insert in lieu thereof the following: "SEC. 304."

Page 5, line 16, delete the words: "SEC. 205." and insert in lieu thereof the following: "SEC. 305."

Page 6, line 2, delete the words: "SEC. 206." and insert in lieu thereof the following: "SEC. 306."

Page 6, line 9, delete the words: "SEC. 207." and insert in lieu thereof the following: "SEC. 307."

Page 6, line 14, delete the words: "SEC. 208." and insert in lieu thereof the following: "SEC. 308."

Page 9, line 23, delete the words: "SEC. 209." and insert in lieu thereof the following: "SEC. 309."

Page 10, line 16, delete the words: "section 208" and insert in lieu thereof the following: "section 308"

Page 11, line 12 delete the words: "SEC. 210." and insert in lieu thereof the following: "SEC. 310."

Page 13, line 18, delete the words: "SEC. 211," and insert in lieu thereof the following: "SEC. 311."

Page 14, line 19, delete the words: "section 212" and insert in lieu thereof the following: "section 312".

Page 14, line 21, delete the words: "SEC. 212." and insert in lieu thereof the following: "SEC. 312."

Page 15, line 7, delete the words: "SEC. 213." and insert in lieu thereof the following: "SEC. 313."

Page 17, line 6, delete the words: "SEC. 214." and insert in lieu thereof the following: "SEC. 314."

Page 17, line 24, delete the words: "paragraph 210" and insert in lieu thereof the following: "paragraph 310."

Page 18, line 2, delete the words: "SEC. 215." and insert in lieu thereof the following: "SEC. 315."

Page 18, line 17, delete the words: "SEC. 216." and insert in lieu thereof the following: "SEC. 316."

Page 18, line 20, delete the words: "SEC. 217." and insert in lieu thereof the following: "SEC. 317."

Page 19, line 2, delete the words: "SEC. 218." and insert in lieu thereof the following: "SEC. 318."

Page 19, line 11, delete the words: "SEC. 219." and insert in lieu thereof the following: "SEC. 319."

Page 19, line 12, delete the words: "TITLE III" and insert in lieu thereof the following: "TITLE IV."

Page 19, line 14, delete the words: "SEC. 301." and insert in lieu thereof the following: "SEC. 401."

BRIEF RÉSUMÉ OF H.R. 18884

Title I—Authorizes amendments to milk marketing orders providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational and other programs designed to promote domestic marketing and consumption of milk. Programs would be financed through producer assessments.

Title II—Authorizes amendments to marketing orders for all commodities other than milk for the same purposes as set forth above.

Title III—The "Potato Research and Promotion Act," provides for a program of potato research, development, advertising, and promotion, to be financed by assessments of not more than 1 cent per hundred pounds of potatoes produced commercially in the 48 continuous States. It is generally similar to the Cotton Research and Promotion Act, which was approved July 13, 1966. The program would be effective only if approved by the Secretary of Agriculture after notice and

hearing and by two-thirds (in number and volume and at least a majority in number) of the producers voting in a referendum. It would be administered by a "National Potato Promotion Board" composed of producer representatives selected by the Secretary from producer nominees. The board would develop a budget and program, recommend assessment rates, and enter into agreements to carry them out, all subject to the approval of the Secretary. Assessments would be collected by handlers. Only commercial producers, who produce five or more acres of potatoes, would vote or be subject to assessment. Any producer could obtain a refund of his assessment if he desired.

Title IV—Would prohibit the importation of olives, raisins and prunes when such commodities would compete with commodities marketed under an order containing terms or conditions regulating grade, size, quality or maturity.

PURPOSE

The thrust of this legislation is such that its enactment will facilitate marketing of commodities regulated by Federal marketing orders. Two avenues of approach will be utilized to achieve this goal, namely promotion of domestically produced commodities, including milk, and extension of import restrictions.

All Federal marketing orders could, by a two-thirds vote of producers, be amended to authorize assessments for promotional purposes including paid advertising. Additionally, a nationwide potato promotion program would be authorized.

Olives, raisins and prunes would be accorded protection against competition by imported commodities unless the foreign produced item is able to meet the same grade, size, quality and maturity standards as are imposed upon the domestically grown produce.

NEED FOR THE LEGISLATION

During the course of the 91st Congress, legislation to authorize paid advertising projects under marketing orders for milk and six other commodities for which orders are authorized—almonds, apples, lettuce, papayas, peaches and tomatoes—has been introduced. The Committee on Agriculture has, to date, reported and the House has passed measures dealing with apples and papayas. Blanket authority for promotion projects under all marketing orders will enable all commodities to be marketed on an equal footing. The nature of the Agricultural Adjustment Act, as amended by the Agricultural Marketing Agreement Act of 1937, necessitates separate treatment for milk; the thrust of Titles I and II is, however, substantively identical.

Authority to finance a nationally coordinated research and promotion program to improve the competitive position of potatoes and potato products is needed to maintain current consumption levels and preserve the vitality of that industry.

To protect domestically produced raisins, prunes, and olives from the onslaught of increased imports which do not meet the size, quality or cleanliness standards of American produce, the Committee seeks to extend the import restrictions available in the Marketing Agreement Act of 1937 to these commodities.

COMMITTEE AMENDMENTS

The amendment, which appears as Title I of the reported bill, is enabling legislation. It would provide authority for dairy farmers, themselves, and with their own money, to develop and operate programs designed to increase consumption of milk and dairy products. It is a reasonable and practical approach to increasing income to dairy farmers without cost to the Government.

This legislation, in its simplest sense, would enable farmers to develop plans for milk promotion programs which would be financed by all farmers supplying a Federal milk marketing order area, if approved through referendum to two-thirds or more. The referendum for this type program would be separate and apart from the order itself. The separate referendum provides opportunity for farmers to approve the issuance of an order, without, at the same time, approving the issuance of a program for promoting milk. Adoption of a promotion program would require separate action.

The dairy industry is faced with stiff competition on every front, and the competition is becoming more intense as a result of the introduction of ersatz products sold in semblance of milk and cream. Dairy farmers should be complimented for being willing to stand up and spend their own money to maintain and increase the size and strength of the industry.

The program would operate in the following manner: Dairy farmers would develop a promotion program for a market regulated by a Federal milk marketing order. The proposal would then be submitted to the Department of Agriculture, and a public hearing would be scheduled so that all concerned might have a voice in the development of the details. On the basis of the hearing record, the Department would finalize the program which, then, would be subject to referendum, and made effective if approved by two-thirds. The program could be terminated at any time by request of a majority of farmers, or by the Secretary of Agriculture.

The funds would come from money otherwise due farmers supplying milk under the order. The market administrator would deduct the sum in accordance with a prescribed formula, and would pay such money over to the Committee of Dairy Farmers charged with administering the promotion program.

This legislation is good, not only for dairy farmers but for the general public as well. In developing efforts to promote increased consumption of milk, part of the effort necessarily would be for research and consumer education. Nutrition education among consumers is vitally needed in this modern age, since the public is being bombarded by high-sounding phrases, eye-appealing packages, and by gimmicks of all kinds which are designed to capture the consumer's eye without regard to the nutritional value of products being offered. A straight-forward program to acquaint consumers with the nutrients in milk, and the need for them can contribute a great deal toward the building of a more healthy Nation. The committee amendment, Title I, has the support of dairy farmers throughout the United States.

All other amendments were purely mechanical in nature.

HEARINGS

Individual hearings on each of the titles of the bill have been held by the Subcommittee on Domestic Marketing and Consumer Relations during the 91st Congress as follows:

Title I was originally introduced by Congressman Abbitt of Virginia as H.R. 10710. Hearings on that bill were held on August 8, 1969; the American Farm Bureau Federation was the only organization which opposed the measure.

Title II is an amalgamation of several bills which seek to authorize ongoing marketing orders to institute promotion programs, including paid advertising. Hearings on H.R. 18272 introduced by Congressman Sisk of California, and H.R. 18560 introduced by Congressman Talcott of California (Relating to California-grown peaches, lettuce and tomatoes respectively) were held on July 27 and August 3, 1970. No testimony in opposition to any of these bills was received.

Title III was originally introduced by Congressman Jones of North Carolina as H.R. 2777. Hearings on that bill were held on April 17-18, 1969. The only opposition to the bill was expressed by the American Farm Bureau Federation.

Title IV consolidates H.R. 682 introduced by Congressmen Teague, Sisk, Johnson and Mathias of California; H.R. 2387 introduced by Congressmen Sisk and Johnson of California; and H.R. 11531 introduced by Congressman Gubser of California. The bills would extend import restrictions of Section 8(e) of the Agricultural Marketing Agreement Act of 1937 to olives, raisins and prunes respectively. Hearings on all three measures were held on June 24, 1970. Opposition testimony was heard from a representative of an association of foreign exporters.

COST

Although no consolidated cost estimate has been offered by the USDA, individual reports on each title project the following costs:

Title I—\$200,000 for each of the first two years; thereafter, somewhat less.

Title II—Approximately \$7,500 for each order amended, USDA officials estimate that no more than 8 orders would be so changed within two years. New orders issued as a result of this authority are estimated to cost approximately \$25,000 each, USDA officials estimate that no more than 2 orders would be implemented in the two years following enactment of H.R. 18884.

Title III—In its report on H.R. 2777 the USDA said: "We believe the enactment of this bill would result in a cost of \$325,000 to conduct promulgation proceedings, a referendum and related items to initiate a 'Plan' if it is necessary to conduct the referendum by the use of polling places in each county. However, if the proponents of a 'Plan' are able to provide suitable mailing lists of potato producers eligible to vote so that the referendum can be conducted by mail, this would reduce total costs to initiate a 'Plan' to \$180,000. Additionally, the Department's annual cost for administration is estimated to be \$80,000."

Title IV—The USDA has informally advised the committee that enforcement of importation restrictions would cost approximately \$3,000 per crop per year.

SECTION-BY-SECTION ANALYSIS

Title I

Section 101. Authorizes amendments to milk marketing orders under which promotion programs, financed by checkoff assessments on producers, could be instituted.

Title II

Section 201. Authorizes amendments to marketing orders for all crops other than milk under which promotion programs, financed by checkoff assessments on growers, could be instituted.

Title III

Section 301. *Short title.*—"Potato Research and Promotion Act."

Section 302. *Findings and declaration of policy.*—This section declares it to be the policy, through assessments on potatoes harvested in the United States, to finance a potato research, development, advertising, and promotion program.

The committee amendment would include a finding that the program is vital to interstate commerce in potatoes and potato products, and a finding that all commerce in potatoes is or affects interstate commerce.

Section 303. *Definitions.*—This section defines "Secretary", "person", "potatoes", "handler", "producer", and "promotion". The term "potatoes" is restricted to Irish potatoes grown by producers in the 48 contiguous States. "Producer" means a person engaged in the growing of 5 or more acres of potatoes. The term "promotion" includes paid advertising.

The committee amendments delete the definition of "handle," and limit handlers to persons who handle potatoes "in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder." The purpose is to provide a greater degree of flexibility in the selection of the handler who is to collect the assessments.

Section 304. *Authority to issue a plan.*—This section directs the Secretary to issue and amend from time to time plans authorizing handlers to collect assessments on potatoes handled, and authorizing the use of such funds for research, development, advertising, and promotion of potatoes.

Section 305. *Notice and hearing.*—This section requires the Secretary to give due notice and opportunity for a hearing upon a proposed plan, whenever he believes that a plan will tend to effectuate title I of the act.

Section 306. *Finding and issuance of a plan.*—This section requires the Secretary to issue a plan if he finds, upon the evidence introduced at the hearing, that the plan will tend to effectuate title I of the act.

The committee amendment would delete the words "or modifications," which are unnecessary and confusing.

Section 307. *Regulations.*—This section authorizes the Secretary to make such regulations as may be necessary to carry out title I.

Section 308. *Required terms in plans.*—Any plan issued under the bill would provide for establishment of a National Potato Promotion Board to—

- (1) administer the plan,
- (2) make regulations to effectuate it,

(3) receive, investigate, and report to the Secretary complaints of violations,

(4) recommend amendments to the Secretary, and

(5) exercise such other duties and powers as the plan may provide.

The board would be composed of representatives of producers selected by the Secretary from nominations made by producers in the manner prescribed by the Secretary. If producers failed to select nominees the Secretary would appoint producers on the basis of representation provided for in such plan. Board members would serve without compensation, but would be reimbursed for reasonable expenses incurred in performing their duties. The board would submit a budget of plan costs to the Secretary for his approval, on a fiscal period basis, and recommend the assessment rate, which would be fixed by the Secretary at not to exceed 1 cent per 100 pounds of potatoes handled. Funds collected would be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board as might be authorized by the Secretary. Promotion programs could not refer to brand names, or make false or unwarranted statements in behalf of potatoes or potato products or about competing products. Funds could not be used to influence governmental policy, except with respect to plan amendment.

Any producer would have the right to obtain a refund of any assessment collected from him by making demand personally in the prescribed manner. The committee gave consideration to the fact that in some States there may be State marketing research and promotion programs; and that producers in such States may not want to participate in the program provided by the bill. The committee wishes to emphasize that in such States, as well as in all other States, the producers need not participate in the program under the bill, since subsection (g) of this section gives every producer the right to obtain a refund of the assessment collected from him.

Subject to the approval of the Secretary, the board would develop research, development, advertising, or promotion programs and enter into agreements to have them carried out. The board would maintain books and records, report to the Secretary as prescribed, and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

Section 309. *Permissive terms in plans.*—In addition, any plan could provide—

(1) authority to exempt potatoes used for nonfood purposes,

(2) authority to designate different handler payment and reporting schedules to recognize differences in practices and procedures in different production areas,

(3) authority to accumulate reserve funds not exceeding the amount budgeted for 2 years' operation, and

(4) other necessary terms and conditions.

Subsections (c), (d), and (f) of this section provide for the establishment of research, development, advertising, and promotion programs. Since these programs are also provided for in a more detailed and restricted manner in section 8, and since section 8 provisions are mandatory, the bill should be construed as subjecting any such pro-

grams to all of the provisions and restrictions of section 8. Subsection (f) makes it clear that foreign promotion is authorized.

The Committee amendment to subsection (e) merely makes a technical correction, substituting “, development,” for “and development or”.

Section 310. *Assessments*.—As introduced, this section provides for collection of assessments by the first handler. The Committee amendments would (1) provide for collection by handlers designated by the board pursuant to regulations under the plan and (2) to permit designation of different handlers or classes of handlers to recognize differences in marketing practices or procedures in different States or areas.

Handlers would be required to keep accurate records of collections and make appropriate reports. Information obtained would be kept confidential subject to a fine of up to \$1,000 or imprisonment up to 1 year, or both.

Section 311. *Petition and review*.—This section provides for appeals to the Secretary and the district court from any provision which is not in accordance with law.

Section 312. *Enforcement*.—This section provides for specific enforcement and injunction by the district courts and for criminal penalties. The committee amendments (1) permit criminal penalties without proof of “willful” conduct, (2) provide a minimum fine of \$100, (3) substitute language generally associated with civil penalties, and (4) eliminate unnecessary language relative to suits to enforce collection.

Section 313. *Investigation and power to subpoena*.—This section authorizes the Secretary to make necessary investigations, administer oaths, subpoena witnesses, and require the production of records. It also provides immunity from prosecution for any matter on which a witness is compelled to testify after claiming his privilege against self incrimination.

Section 314. *Requirement of referendum*.—No plan would be effective unless approved by two-thirds (by number or volume of production and in any event by a majority in number) of the producers voting in a referendum. The vote would be confidential and any Department employee making disclosure would be subject to a fine of up to \$1,000, or imprisonment up to 1 year, or both.

Section 315. *Suspension or termination of plans*.—Any plan, or provision thereof, would be suspended or terminated if the Secretary found that it did not tend to effectuate the act.

A plan would also be suspended or terminated if such suspension or termination were favored by a majority (in both number and volume) of the producers voting in a referendum. The Secretary could conduct a referendum at any time and would be required to do so on request of the board or 10 percent or more of the potato producers.

Section 316. *Amendment procedure*.—Plans could be amended in the same manner as provided for their issuance.

Section 317. *Separability*.—Invalidity of any part of title I would not affect the remainder.

Section 318. *Authorization*.—Funds appropriated under section 32 of Public Law 320, 74th Cong., are made available for carrying out title III, but not for carrying out any plan thereunder.

Section 319. *Effective date.*—Title I would be effective upon enactment.

Title IV

Section 401. The importation of olives, prunes and/or raisins would be prohibited if they did not meet the grade, size, quality and maturity standards imposed by marketing orders issued by the Secretary for these crops.

ADMINISTRATION POSITION

While the committee has neither sought nor obtained a report on the omnibus bill, H.R. 18884, from the Department of Agriculture the position of the Administration has been previously received on each title of the bill:

TITLE I—ADVERTISING PROJECTS: MILK

This title was originally introduced as H.R. 10710, the USDA reported thereon as follows:

DEPARTMENT OF AGRICULTURE,
Washington, August 7, 1969.

HON. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your request for a report on H.R. 10710, a bill to amend the Agricultural Marketing Agreement Act of 1937, as amended, to provide authorization for the establishment of advertising, sales promotion, educational, and research programs, including marketing research and development, financed by deductions from payments due producers delivering milk to handlers regulated by Federal milk orders.

The Department supports enactment of H.R. 10710. We would suggest minor modifications, including accommodation of refunds to producers under certain circumstances.

The programs authorized by H.R. 10710 would be financed by deductions from funds owed to producers under the order. Deductions could be made directly from the total pool value of all producer milk. An equitable adjustment could be made in areas where a mandatory checkoff from dairy farmers for advertising and research is required by State law.

Funds would be paid to an agency organized by milk producers and associations of producers. This agency could employ persons and organizations for research and promotional programs designed to promote marketing and the domestic consumption of milk and milk products.

Provisions authorizing producer deductions would not become effective unless separately approved by producers in the same manner provided for the approval of orders. Disapproval of the producer deduction provisions would not be considered disapproval of the order, and such provisions could be terminated separately from other order provisions.

In recent years, an increasing number of dairy farmer cooperatives have expressed their support for this type of legislation. The threat of filled and imitation milk in fluid milk markets throughout the

Nation has stimulated interest for increased promotion, advertising, and research.

H.R. 10710 would constitute enabling legislation and its implementation in a Federal milk order would require a public hearing as well as producer approval. Thus, a forum will be provided for a careful and thorough review of all the problems which might be associated with the adoption of a promotion program in an individual milk marketing area. It is important that any such program contain provisions which will be fair, equitable, efficient, and fruitful.

Projects carried out under the program would be subject to approval and continuing review by the Secretary to insure compliance with the statute and to protect the public interest.

We suggest that the bill be modified to provide that adjustments for mandatory checkoffs required by State law be allowed only if it is determined that deductions were actually made and used for purposes comparable with the purposes authorized under the bill.

We recommend also that the bill be modified by adding the following after the last sentence of the bill: "Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

The additional costs that may result from enactment of the legislation would be related to conducting public hearings and general administration of the programs. For each of the first two years we would anticipate additional annual costs of about \$200,000. Thereafter, costs would be somewhat less. For the most part, additional costs would be associated with amending existing order provisions to authorize producer deductions for research and promotional programs.

Although H.R. 10710 does not mention the source of funds for administration, there is a bill (H.R. 13193) proposed by the Department which is before the Congress, which would permit the Department to recover costs of administration through user fees.

In view of the time situation, we have not obtained from the Bureau of the Budget advice regarding the relationship of the proposed legislation to the Administration's program.

Sincerely,

CLIFFORD M. HARDIN, *Secretary*.

TITLE II—ADVERTISING PROJECTS: OTHER COMMODITIES

This title was originally introduced as several separate bills; the USDA reported on H.R. 18560 pertaining to lettuce and tomatoes and H.R. 15272 pertaining to California-grown peaches. In its report on H.R. 18272 the USDA recommended extending this authority to all authorized marketing orders.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., August 3, 1970.

Hon. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in response to a request from your committee for a report on H.R. 18272, a bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order.

The Department favors enactment of H.R. 18272.

This bill would permit marketing orders for California-grown peaches to include provision for promotional activities, including paid advertising, and to collect assessments from handlers to pay the costs thereof. The act currently contains authority to permit such activities, including paid advertising for several commodities. This authority has been made available in some of the fruit marketing orders. Advertising projects have been carried out under it for such fruit commodities as Texas oranges and grapefruit, and California olives and nectarines. The trend is toward expanded commodity advertising and promotion in agriculture. We anticipate increased effort by the fruit and vegetable industries to obtain the means of financing the advertising and promotion of these commodities in the marketplace. The Agricultural Marketing Agreement Act could provide the facility for this purpose. We believe any fruit or vegetable commodity group which actively supports the development of a promotion program by this means should be given an opportunity to do so.

It is estimated that the cost to the Department of each new marketing order that is issued averages about \$25,000. The cost of promulgation proceedings involving the amendment to an existing order varies with the size and complexity of the program. The promulgation costs contemplated by this proposal are estimated to be about \$7,500 for an amendment proceeding.

The Office of Management and Budget advises there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

TITLE III—POTATO RESEARCH AND PROMOTION

This title was originally introduced as H. R. 2777. It was considered by the House of Representatives on November 12, 1969 when it failed of passage by a rollcall vote, 171-198. Subsequently, the measure, modified as suggested by the USDA, passed the other body. The USDA report on the bill is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 16, 1969.

Hon. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your request of January 29 for a report on H.R. 2777. The purpose of the bill is to enable potato

growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes.

The Department has no objection to this bill but suggests some modifications.

The bill provides for authority to establish a "Plan" to collect assessments on potatoes produced in the 48 contiguous States of the United States. Producers with less than five acres will be exempt from assessments. The assessments will be used for promotion of potatoes including paid advertising. In addition, assessments can be used for research and development projects. The costs incurred by the potato industry in administering the program will also be paid from assessments. Prior approval by the Secretary of Agriculture for all projects and expenditures is provided for as a safeguard against improper use of funds.

The bill provides for a maximum assessment rate of one cent per hundredweight. Handlers are responsible for payment of the assessments, and they may deduct them from their settlement with the producers. Producers will be able to obtain a refund on the assessments paid by them, if they request it in the time and manner prescribed. The bill provides that hearings with respect to a proposed "Plan" be held when requested by potato producers. A favorable referendum vote, by two-thirds of the potato producers voting in such referendum, or two-thirds of their production and not less than a majority of those voting, is required to approve any "Plan" issued pursuant to this bill. If such a "Plan" is favored by producers, a board will be appointed by the Secretary of Agriculture from industry nominations of eligible producers. Such board will administer the "Plan" under the supervision of the Secretary of Agriculture.

Provisions in this bill are similar to Public Law 89-502 (80 Stat. 279) enacted by the 89th Congress, and cited as the "Cotton Research and Promotion Act." Promulgation and referendum proceedings for any "Plan" issued pursuant to this bill are similar to those in Marketing Orders authorized by the Agricultural Marketing Agreement Act of 1937, as amended. Administrative provisions are also similar to those in Marketing Orders. There are no provisions for quality control or compulsory inspection in this bill.

The potato producers have been confronted, in recent years, with increased competition from other products marketed as easily prepared convenience foods. Some of these products are promoted on a national basis. Potato producers have not been able to effectively match this competition because production and marketing of potatoes is performed by numerous individual farmers in every State in the United States. This has made it difficult for them to finance and carry out adequate research and promotion projects to maintain a competitive position in the markets. This bill would give potato producers authority to help themselves by financing such projects.

Several potato producing areas have State orders or Commissions to promote potatoes produced in their specific areas. This bill is intended to supplement these existing programs with a nationally coordinated program.

The Department recommends the following modifications of this bill:

(1) In section 2, page 1, line 6, (Findings and Declaration of Policy) it is recommended that the "findings" deleted by the House Agriculture Committee from the National Potato Research and Promotion Bill in the 90th Congress (H.R. 15030, Unit Calendar No. 619, with accompanying House Report No. 1559, dated June 17, 1968, predecessor to this bill) be added as a part of section 2 of this bill. The addition would make clear that the legislation is intended to exercise the full sweep of the federal commerce powers. It would also facilitate administration and enforcement as proof would not be required in each action for enforcement that the potatoes involved were in interstate commerce or directly burdened, obstructed, or affected interstate commerce in potatoes or potato products.

In the event the "findings" are not added, section 4 should be modified to indicate the intention to exercise the full sweep of the federal commerce powers. In section 4, page 3, line 25, (Authority to Issue a Plan) add to the end of the sentence the following: "and as are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes or potato products."

(2) In subsection 3(d), page 2, line 20-22 (Definitions), revise the term "handler" to read as follows:

"(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this Act or in the rules and regulations issued thereunder."

(3) In section 3, page 2, beginning on line 23, delete subsection (e)—the definition of "handle"—and renumber the remaining definitions.

(4) In subsection 10(a), page 9, (Assessments) revise the language beginning on line 25 and continuing through the word "potatoes," in line 3 on page 3, to read as follows:

"Sec. 10(a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes;"

Also in subsection 10(a), add a sentence at the end to read as follows: "To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes."

The changes in (2) and (3) are recommended in the interest of providing a greater degree of flexibility in designating the various activities that will make a person a "handler." The change in (4) will provide flexibility in designating the "handler" responsible for payment of assessments to, as well as the manner and method of collection of assessments by, the board. These changes follow similar provisions in the Cotton Research and Promotion Act and are desirable in the light of our experience under that Act.

(5) In section 6, page 4, line 16, (Finding and Issuance of A Plan) delete "or modifications", as being unnecessary and confusing inasmuch as the Secretary must find that all the terms and conditions contained in the plan as issued will tend to effectuate the declared policy of the Act.

(6) In subsection 9(c), page 9, lines 11 and 12 (Permissive Terms In Plans) modify "research and development or advertising and promotion" to read "research, development, advertising and promotion". This change will make the quoted modification conform to other specifications of such activities elsewhere in the Act.

(7) In subsection 12(b), (Enforcement) delete the word "willfully" in two places on page 13, lines 6 and 8. "Willfully" is an undesirable term because it is difficult to prove and would result in administrative and enforcement difficulties.

Also in subsection 12(b), page 13, line 10, delete the words "liable to a penalty of not" and substitute in lieu thereof the words "fined not less than \$100 or"; and delete the balance of the paragraph following the word "offense" in line 11. This change substitutes terminology generally associated with criminal prosecution in place of language relating to civil action. Additionally, specific authorization for civil action to collect unpaid assessments is unnecessary as subsection 12(a) provides the district courts with adequate authority to enforce collection.

We believe the enactment of this bill would result in a cost of \$325,000 to conduct promulgation proceedings, a referendum and related items to initiate a "Plan" if it is necessary to conduct the referendum by the use of polling places in each county. However, if the proponents of a "Plan" are able to provide suitable mailing lists of potato producers eligible to vote so that the referendum can be conducted by mail, this would reduce total costs to initiate a "Plan" to \$180,000. Additionally, the Department's annual cost for administration is estimated to be \$80,000.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

TITLE IV—RESTRICTIONS ON IMPORTED COMMODITIES

This title was originally introduced as H.R. 682, H.R. 2387, and H.R. 11531. While USDA did not appear at the hearings on these bills and has not submitted a report thereon, the Department of State by letter under date of August 13, 1970, has recommended against enactment of this title. The letter is as follows:

DEPARTMENT OF STATE,
Washington, D.C., August 13, 1970.

HON. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: The Department of State has been informed that legislation, namely H.R. 18884, has been introduced for the purpose of amending the Agricultural Marketing Agreement Act of 1937, as amended, so as to provide, among other things, that the provisions of Section 8(e) of that Act shall be applicable to imported raisins, olives, and prunes and referred to the Committee on Agriculture for consideration. In writing you, this Department desires to call

to the attention of the Committee on Agriculture important implications which enactment of the proposed legislation would have from the standpoint of United States foreign economic policy.

Section 8(e) of the Agricultural Marketing Agreement Act of 1937, as amended, prohibits the importation of agricultural commodities which do not comply with the grade, size, quality or maturity regulations applying to the marketing of the domestically produced commodity. H.R. 18884 would extend the restrictions imposed by the Section to imported olives, raisins, and prunes.

Olives

According to the United States Tariff Commission, domestic consumption of olives now averages about 150 million pounds annually. Spanish type olives account for roughly 50 percent of total consumption; California style olives, for about 45 percent; and Greek, Sicilian and other styles, for about 5 percent.

The United States demand for California style olives is met exclusively by domestic production and such olives are the only type subject to Federal marketing regulations.

Approximately 95 percent of the United States market for Spanish style olives is supplied by imports from foreign sources. Notwithstanding the fact that identical names are used in marketing both imported and domestically produced Spanish style olives, the two are not usually directly comparable. The imports consist predominately of pitted or stuffed olives, whereas the domestic Spanish style olives are generally marketed whole. Moreover, in the case of the small quantities of Greek, Sicilian and other miscellaneous style olives consumed in the United States, the quality of the imported olives is generally considered superior to that of the comparable domestic product. In the light of the substantial variations in the characteristics between the domestic and imported commodity, imports are not believed to be adversely affecting the marketing of domestically processed olives. There is thus no need for new restrictions on imported olives.

In addition, the proposed amendment would cause difficulties in our relations with Spain. Spain is the principal source of United States imports of olives and potentially would be the country most affected by the proposed legislation. In recent years Spain has consistently supplied more than 90 percent of total United States imports and has been very sensitive to efforts to interfere with this trade. The Spanish Embassy has made repeated and strong representations to officials of the Department of State not only against the proposed amendment but also against other pending legislation which would substantially increase the duty applying to imports packed in small airtight containers. The Embassy has noted that domestically produced olives are not directly comparable with olives imported from Spain, that during the Kennedy Round negotiations the United States agreed to bind the existing duties on imports of olives from Spain in return for concessions granted by the Spanish Government, and that any decision on the part of the United States Government to limit, by whatever means, imports of olives from Spain would be regarded by that country as an unfair measure against established trade and as a violation of an international agreement. It has also noted that in 1969 Spain had a deficit of \$276 million in its balance of trade with the

United States and that the imposition of new restrictions on its olive shipments which would deprive Spain of the means of paying for purchases in the United States may compel the Spanish Government to review its import policies.

Raisins

Access to markets outside the United States is important to the American raisin industry. The United States is the world's largest producer of raisins, usually accounting for about a third of world output. United States production and foreign trade in raisins over the past several years has been:

Crop year (September–August)	Production ¹	Imports ¹	Exports ¹	Ratio to production (percent)	
				Imports	Exports
1954–58 average.....	190,000	171	46,850	(2)	25
1959–63 average.....	220,000	334	58,795	(2)	27
1964–69 average.....	245,000	589	72,113	(2)	29
1964–65.....	231,000	163	60,005	(2)	26
1965–66.....	270,000	171	76,238	(2)	28
1966–67.....	230,000	229	71,849	(2)	26
1967–68.....	181,000	1,093	74,732	(2)	41
1968–69.....	264,000	1,290	77,742	(2)	29

¹ In short tons.

² Less than 1 percent.

As the foregoing data show, both domestic production of, and foreign trade in, American raisins have been expanding over recent years. Consistently, exports have been many times greater than imports. While imports have turned up in years of uncertain supplies and high United States prices, such as in 1967/68 when domestic production dropped nearly 100,000 tons, they have never equalled one percent of domestic production.

About 94 percent of domestic raisin production consists of sun dried dark colored varieties and 6 percent of the golden seedless variety. The latter is produced by rapid artificial dehydration of Thompson seedless grapes combined with the bleaching action of sulfur fumes. Raisin imports, on the other hand, are a rather different product, consisting almost exclusively of the sultana variety, a light colored raisin not generally produced in the United States. The imported sultana raisin is sun dried, slightly smaller and more round, and different in color in comparison with golden seedless. Raisins which do not meet the standards of United States pure food laws, of course, are prohibited from entry.

The proposed restriction on imported raisins, it should be noted, would cause difficulties in our trade relations with Turkey, the principal supplying country. In overall value terms, United States exports to Turkey traditionally have exceeded our imports from that country by a wide margin. In 1969, for example, United States exports to Turkey totaled nearly \$300 million, exceeding imports from that country by more than \$230 million.

Prunes

Access to markets outside the United States is also important to the American dried prune industry. The United States produces nearly three-fourths of the world's dried prune production. United

States exports, which take about one-fourth of United States production, account for nearly two-thirds of the world trade.

Crop year (August-July)	Production ¹	Imports ¹	Exports ¹	Ratio to production (percent)	
				Imports	Exports
1962-66 (average).....	154,000	200	48,000	(2)	32
1962-63.....	153,000	144	43,000	(2)	28
1963-64.....	133,000	114	41,000	(2)	31
1964-65.....	182,000	81	50,000	(2)	27
1965-66.....	169,000	86	63,000	(2)	37
1966-67.....	134,000	575	46,000	(2)	34
1967-68.....	166,000	649	46,000	(2)	28
1968-69.....	153,000	465	43,000	(2)	28

¹ In short tons.

² Less than 1 percent.

As shown in the foregoing tabulation, more than a fourth of United States production of prunes is exported annually. Imports are insignificant in relation to domestic production; shipments which do not meet the standards of United States pure food laws are, of course, prohibited from entry.

While imports which do not comply with the grade, size, quality and maturity regulations in effect for the domestically produced commodity are prohibited by Section 8(e), the lower quality domestic commodity may be used for processing. It is understood that sub-standard domestic olives, raisins and prunes may be used for this purpose. Such a prohibition against the entry of foreign products is not necessary to protect domestic marketing standards. Consequently this Department would oppose the extension of Section 8(e) to include any new commodity so long as it is applied in such a manner as to exclude from importation lower quality foreign commodities when comparable domestic products may be used commercially for any kind of processing.

Extending the Federal marketing regulations to imports would be interpreted by the affected supplying countries as establishing a non-tariff trade barrier in violation of our international commitments, and under the terms of the General Agreement on Tariffs and Trade they are likely to respond with measures of their own against products imported from the United States.

For the foregoing reasons, the Department of State recommends against enactment of the proposed legislation.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

DAVID H. ABSHIRE,
Assistant Secretary for Congressional Relations.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in *roman*):

AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, REENACTING,
AMENDING, AND SUPPLEMENTING THE AGRICULTURE ADJUSTMENT
ACT, AS AMENDED

* * * * *

ORDERS

SEC. 8c. (1) The Secretary of Agriculture shall, subject to the provisions of this section, issue, and from time to time amend, orders applicable to processors, associations of producers, and others in the handling of any agricultural commodity or product thereof specified in subsection (2) of this section. Such persons are referred to in this title as "handlers." Such orders shall regulate, in the manner herein-after in this section provided, only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof.

* * * * *

TERMS—MILK AND ITS PRODUCTS

(5) In the case of milk and its products, orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)) no others:

* * * * *

(I) *Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research as required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in sub-*

section 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order."

TERMS—OTHER COMMODITIES

(6) In the case of the agricultural commodities and the products thereof, other than milk and its products, specified in subsection (2) orders issued pursuant to this section shall contain one or more of the

* * * * *

(I) Establishing or providing for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to [orders applicable to cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, or avocados] *those commodities specified in section 8c(2) of this Act*, such projects may provide for any form of marketing promotion including paid advertising: *Provided further*, That the inclusion in a Federal marketing order of provisions for research shall not be deemed to preclude, preempt, or supersede research provisions in any State program covering the same commodity.

RESTRICTIONS OF IMPORTED COMMODITIES

SEC. 8e. Notwithstanding any other provision of law, whenever a marketing order issued by the Secretary of Agriculture pursuant to section 8c of this Act contains any terms or conditions regulating the grade, size, quality, or maturity of tomatoes, *raisins, olives, prunes, avocados, mangoes, limes, grapefruit, green peppers, Irish potatoes, cucumbers, oranges, onions, walnuts, dates, or eggplants* produced in the United States the importation into the United States of any such commodity, other than dates for processing, during the period of time such order is in effect shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of such order or comparable restrictions promulgated hereunder: *Provided*, That this prohibition shall not apply to such commodities when shipped into continental United States from the Commonwealth of Puerto Rico or any Territory or possession of the United States where this Act has force and effect: *Provided further*, That whenever two or more such marketing orders regulating the same agricultural commodity produced in different areas of the United States are concurrently in effect, the importation into the United States of any such commodity, other than dates for processing, shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition. Such prohibition shall not become effective until after the giving of such notice as the Secretary of Agriculture determines reasonable, which shall not be less than three days. In determining the amount of notice that is reasonable in the case of tomatoes the Secretary of Agriculture shall give due consideration to the time

required for their transportation and entry into the United States after picking. Whenever the Secretary of Agriculture finds that the application of the restrictions under a marketing order to an imported commodity is not practicable because of variations in characteristics between the domestic and imported commodity he shall establish with respect to the imported commodity, other than dates for processing, such grade, size, quality, and maturity restrictions by varieties, types or other classifications as he finds will be equivalent or comparable to those imposed upon the domestic commodity under such order. The Secretary of Agriculture may promulgate such rules and regulations as he deems necessary, to carry out the provisions of this section. Any person who violates any provision of this section or of any rule, regulation, or order promulgated hereunder shall be subject to a forfeiture in the amount prescribed in section 8a(5) or, upon conviction, a penalty in the amount prescribed in section 8c(14) of the Act, or to both such forfeiture and penalty.

DISSENTING VIEW

Would you serve a luncheon of sour milk, overripe fruits, wilted vegetables, and spoiled potatoes?

That is what H.R. 18884 appears to be.

Every farmer and housewife knows that if you keep potatoes around too long they will spoil.

The same thing is true of potato bills that are rejected by the House. They get stale and spoil.

This bill picks up one of those stale, spoiled potato bills and makes it part of an omnibus marketing order bill covering everything from fruit to nuts.

H.R. 18884 consists of four titles. Three of these contain provisions either rejected by the Congress or strongly opposed by the Administration.

At the outset then one might ask who is for the bill if the House has already voted down the potato part of the bill and the Administration opposes other parts of it.

The answer is that the sponsors of the ill-fated potato check-off bill obviously decided that since their bill was once rejected by the House when it was out on the Floor all by itself it would be necessary to surround it with the mantle of three other different proposals in the hope that the "omnibus" approach would be able to carry the spoiled potato bill on to victory.

HISTORY OF THE POTATO BILL

Title II of H.R. 18884 contains substantially the same language as that which was contained in H.R. 2777 of this Congress.

On November 12, 1969, H.R. 2777 came before the House for a record vote. It was defeated 171 to 198.

What was wrong with the potato check-off bill? Why did the House turn thumbs down on it anyway? A look at the debate and the bill itself will tell: In Dissenting Views in House Report 91-311, dated June 12, 1969, I joined with four of my colleagues on the Committee on Agriculture to explain in detail the reasons for opposing the potato check-off bill. There follows a reprint of those views.

(H. Rept. 91-311)

DISSENTING VIEWS

We oppose H.R. 2777 because it would establish a poor precedent, it would benefit only a small minority of potato growers, and it would cost the U.S. taxpayers a considerable sum.

POOR PRECEDENT

This bill would, if enacted, represent the first checkoff program for financing the competition of one food against

other foods. There is of course a checkoff program for both cotton and wool. But these programs are for fibers, not foods and they finance programs designed to increase consumption of crops which face competition from man-made or artificial substitutes. This bill, in our opinion, will be used as a precedent for producers of a host of other food crops seeking the same privilege of having the Government collect the necessary funds for research and promotion activities.

There are already; for example, similar bills now pending before the Committee on Agriculture dealing with checkoffs for dairy products and honey.

Carried to its illogical conclusion, the precedent established by this bill can perhaps mean a bonanza for Madison Avenue, but it can only mean increased costs to the potato consumer the potato producer, and the U.S. Treasury.

SMALL MINORITY BENEFITED

Based on the hearing record, it is obvious that the bill will benefit only a small minority of the potato growers in the Nation. Since this bill (in section 3(e)) defines a producer as "any person raising 5 or more acres of potatoes," it follows that those growing less than 5 acres are not subject to the legislation. Since there are 310,000 potato producers and only 17,000 produce 5 acres or more, it is obvious that only 6 percent of the growers will be subject to the assessment envisioned by the bill.

Yet how are potato handlers going to know whether the potatoes they have purchased have been grown by a farmer who had 4.9 acres or 5.1 acres? In our opinion the exclusion of 94 percent of the potato growers will very seriously complicate the administration of the program as brokers and market agencies grapple with an additional maze of paperwork and redtape.

COSTLY TO TAXPAYERS

In its report on the bill the Department of Agriculture stated that the cost of conducting a referendum and related items for initiating a program would be \$325,000. In addition, the annual cost for administration would run an estimated \$80,000 a year. The Department further explained that referendum costs could possibly be reduced to \$180,000 if suitable mailing lists for eligible potato growers could be obtained.

Under the provisions of H.R. 2777 all these costs are to be paid out of "section 32" funds. In the course of considering the bill, Mr. Goodling offered in subcommittee and in full committee an amendment to require the Potato Promotion Board to pay the costs of initiating and administering this program. Mr. Myers offered an amendment to require the Board to at least reimburse the U.S. Government for its annual administrative expenses. It seemed to us that with an anticipated collection of \$2 million a year, the Board could afford to reimburse the U.S. taxpayers the cost of setting up

and administering this program. Unfortunately, these amendments were rejected. Subsequently the Department of Agriculture, in presenting its views on similar legislation dealing with honey, adopted as an official administration position our contention that the costs of these so-called self-help programs should, at the very least, be borne by those who seek this method of collecting funds for research and promotion activities.

SUMMARY

In summary, H.R. 2777 should not be approved by the House. It establishes a poor precedent, benefits only a tiny minority of potato growers, will cause a great deal of inconvenience and redtape, and will be costly to taxpayers.

OTHER OBJECTIONABLE FEATURES

On top of the potato checkoff provisions, this bill imposes a dairy check-off plan which is even worse.

Title I of the bill contains a dairy check-off plan that doesn't even permit farmers to get refunds if they don't like the way the Madison Avenue promoters are huckstering their milk. (At least the potato bill allows refunds.)

On top of that the milk plan prevents individual dairy farmers from voting on the checkoff tax. It provides instead for "bloc" voting by cooperatives. (Even the potato bill allowed at least 6 percent of the farmers to vote.)

Like the potato bill, this legislation has been around for a long, long time without the committee or the Congress approving it. And as the Department of Agriculture report indicates, the Administration recommends that "any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

Finally, the bill includes some non-tariff barriers for olives, prunes, and raisins. These provisions would appear to be contrary not only to our good foreign relations with Europe, but to our continued access to those markets with millions and millions of dollars worth of agricultural exports.

Perhaps that's why the Administration's position expressed in its comments on H.R. 18884 is that "extending the Federal marketing regulations to imports would be interpreted by the affected supplying countries as establishing a non-tariff trade barrier in violation of our international commitments, and under the terms of the General Agreement on Tariffs and Trade they are likely to respond with measures of their own against products imported from the United States."

In summary, this is a bad bill. When you mix aged olives, prunes, and raisins with sour milk and spoiled potatoes, you get a tummy ache.

This bill will give the House legislative indigestion; let's bury it quickly.

GEORGE A. GOODLING.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of October 8, 1970
91st-2nd; No. 177

CONTENTS

Adjournment.....	8,11	Flood control.....	16	Plant.....	2
Aerial Facilities.....	18	Food protection.....	13	Potato.....	4
Agriculture Committee		4-H.....	10	Pollution.....	14
Action.....	2	Imported commodities.....	4	Public works.....	19
Appropriations.....	6	Legislative program.....	9	Rule granted.....	4
Conservation area.....	5	Marketing orders.....	4	Watersheds.....	13
Cyclamates.....	3	Naval Stores Act.....	2	Wheat Referendum.....	1
Day of Bread.....	17	Parks & Recreation.....	12		
Environment.....	15	Pay.....	7		

HIGHLIGHTS: Both Houses passed joint resolution extending wheat referendum date.
Senate agreed to House amendments to proposed Parks and Recreation Act.

HOUSE

WHEAT REFERENDUM. Committee on Agriculture voted to report H.J. Res. 1396, to extend the time for conducting the wheat referendum for the marketing year beginning July 1, 1971. This joint resolution was subsequently passed without amendment by both Houses and is now cleared for the White House. pp. D1124, H9819-20, S17493

2. AGRICULTURE COMMITTEE ACTION.

Voted to report (but did not actually report) H.R. 7444, to repeal the Naval Stores Act; and

A subcommittee approved for full committee action S. 3070, the plant variety protection bill. p. D1124

3. CYCLAMATES. Committee on Government Operations issued a report "Regulation of Cyclamate Sweeteners" (H. Rept. 91-1585). p. H9951

4. RULE GRANTED. Committee on Rules granted an open rule providing for the consideration of, and 1 hour of debate, waiving points of order against certain lines, of H.R. 18884, permitting paid advertising under marketing orders, providing for a potato research and promotion program, and extending restrictions on imported commodities. p. H9951

5. CONSERVATION AREA. Agreed to Senate amendments to H.R. 12870, providing for the establishment of the King Range National Conservation Area. This bill now goes to the President. p. H9822

6. APPROPRIATIONS. Passed, with amendment, H.R. 19590, the FY 71 Department of Defense appropriation bill. pp. H9823-87

7. PAY. Disagreed to the Senate amendment to H.R. 17809, providing for fixing and adjusting rates of pay for wage-rate employees of the Government. Conference was requested and conferees appointed. p. H9892

8. ADJOURNMENT. Agreed to H. Con. Res. 774, providing for an adjournment of the two Houses from Oct. 14- Nov. 16. p. H9916

9. LEGISLATIVE PROGRAM. The conference report on the Farm Bill is scheduled to be taken up Tuesday, Oct. 13. p. H9916

10. 4-H. Rep. Sebelius paid tribute to the achievements of the 4-H Clubs in America noting that Oct. 4-10 is National 4-H Week. pp. H9917-8

11. ADJOURNED until Monday, Oct. 12. p. H9950

SENATE

12. PARKS AND RECREATION. Agreed to House amendments to S. 1708, proposed Parks and Recreation Act of 1969. This bill now goes to the President. pp. S17494-500

13. WATERSHED; FLOOD PROTECTION. Sen. Randolph reported the Federal cost of the watershed projects listed yesterday as approved by the Committee on Public Works. p. S17463



DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of November 30, 1970
91st-2nd; No. 190

CONTENTS

Almonds.....12	Consumers.....8	Outlays.....3
Appointment.....7	FFA.....9	Potatoes.....1
Appropriations.....6	Farmers.....4,10	Rivers and
Architectural policy.....1	Import restrictions.....1	harbors.....11
Bills Passed.....1	Marketing orders.....1	Taos Indians.....5
Bills Reported.....2	NA COA.....2	Taxation.....2

HIGHLIGHTS: House passed bill permitting paid advertising under marketing orders; potato promotion; and extending import restrictions to olives, raisins, and prunes.

HOUSE

1. BILLS PASSED.

H.R. 18884, permitting projects for paid advertising under marketing orders, providing for a potato research and promotion program, and providing for the extension of import restrictions to raisins, olives, and prunes, was passed with amendments. Subsequently this passage was vacated and S. 1181, a similar Senate-passed bill was passed in lieu after being amended to contain the language of the House bill as passed. pp. H10886-907

H.R. 16443, establishing a Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal government, was passed with amendments. pp. H10871-86

2. BILLS REPORTED.

Committee on Ways and Means reported H.R. 19868, the proposed Excise, Estate, and Gift Tax Adjustment Act of 1970 (H. Rept. 91-1635). p. H10910

Committee on Merchant Marine and Fisheries reported with amendments H.R. 19576, establishing the National Advisory Committee on the Oceans and Atmosphere (H. Rept. 91-1636). p. H10910

3. OUTLAYS. Both Houses received a letter and report from OMB on the operation of section 501 of the Second Supplemental Appropriations Act, 1970, establishing a limitation on budget outlays, through October 31, 1970 (H. Doc. 91-421). pp. H10910, S18999

SENATE :

4. FARMERS. Sen. Bellmon praised the high level of efficiency which American agriculture has achieved and inserted an editorial discussing the relationship of food prices with other factors of the economy. p. S19008
5. TAOS INDIANS. Sen. Metcalf included a statement in support of the Senate version of H.R. 471, which provides for protection of sacred areas, including Blue Lake, of the Taos Indians, and a grant in trust to the tribe of all areas including shrines, sacred groves, and the like but not surrounding national forests. pp. S19010-3
6. APPROPRIATIONS. Passed with amendments H.R. 17867, FY 71 foreign aid appropriation bill. Conference requested and conferees appointed. pp. S19019-32
7. APPOINTMENT. Sen. Metcalf was appointed to the Migratory Bird Conservation Commission. p. S19050
8. CONSUMERS. Began debate and consideration of S. 4459, to establish a Council of Consumer Advisors and an independent Consumer Protection Agency. pp. S19032-50

EXTENSION OF REMARKS

9. FFA. Rep. Jones, Tenn., saluted the efforts and programs of the Future Farmers of America and stated all should follow their example. pp. E9930-1
10. FARMERS. Rep. Zwach included additional material in support of a thesis that "the United States' greatest industry, agriculture, is being economically destroyed in an effort to please the consumer." p. E9935





doing a conceptual design and final design on a job that might be determined when you submitted the qualifications.

Mr. HOLIFIELD. However, the agency is mandated to select three qualified firms. How could the other firms submit a conceptual design?

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. REID of New York. Mr. Chairman, I move to strike the requisite number of words.

(Mr. REID of New York asked and was given permission to revise and extend his remarks.)

Mr. REID of New York. Mr. Chairman, I rise in support of the amendment.

As I understand the amendment which has been offered by the gentleman from Texas, it would permit one of the three firms, or all three of the firms, to provide conceptual designs and their price estimate.

It seems to me that that would be a rather necessary ingredient in any fair evaluation and, indeed, if a firm could not get some conceptual design and some estimate of the cost involved, I think the Government would not be in a full position to make a fair judgment. Is that a fair statement of the gentleman's amendment?

Mr. ECKHARDT. Not precisely. The one thing I tried to point out in the colloquy is that this is only when the agency may ask for conceptual designs among the three top firms.

Mr. REID of New York. It was my understanding that it was permissive and could go beyond the statute and be put into practice by the GSA which could be somewhat derelict in making judgment if it did not take into consideration both the qualifications and performance data of the firm and to some extent some ideas that go beyond the number of rooms and total floor space to the conceptual design and, indeed, the estimate of the cost.

It seems to me that would be a reasonable thing an executive would want to look at.

As I understand it, the amendment which has been offered by the gentleman from Texas does not require it, but it makes it possible.

Mr. ECKHARDT. The gentleman from New York is correct. It includes the consideration of the cost in the body of the amendment. The consideration of the cost is also written in the last phrase.

Mr. REID of New York. I thank the gentleman. I think it is a good amendment and should be supported. The consideration of price is not necessarily the most important consideration—design, for instance, might be more important—but nevertheless I do not think that we should exclude price as a consideration. This amendment simply makes possible the consideration of both design and price, in addition to the qualifications of the firms or individuals applying for the contract.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

Mr. Chairman, I would only point out the fact that I join with the gentleman in support of the amendment. If we do not use the language in this amendment, we have foreclosed the young architectural engineer, because imagine if you will, the young architect which approaches No. 2 firm or No. 3 firm and says, "I have an idea and I want you to look at it." They say, "We are not going to be negotiated with." He says, "I have a plan for you to the No. 1 firm," and the No. 1 firm says, "We do not need any conceptual ideas."

At least, this will permit the analysis of some new ideas.

Mr. Chairman, I urge support of the amendment.

Mr. REID of New York. I thank the gentleman for his comments.

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to underline some of the remarks of our distinguished chairman in his supplemental views which are a part of the report:

We have too many such bits-and-pieces of legislation in this field, and the Congress recently has created a Commission on Government Procurement to examine the vast accumulation of procurement enactments in the interests of more consistency and coherence. The subject of architect-engineer services is on the Commission's study agenda. Before legislating on so complex and controversial a subject, the Congress ought at least to have the benefit of the Commission's findings and recommendations.

I would say concerning this that we are not advocating any innovations here this afternoon in this legislation as it is. We are saying let the departments and agencies continue the practices which they have been practicing for 30 years, and if the Commission which the Congress has created desires to come up with some alternative recommendations let us then consider them at the time the Commission makes such recommendations. What we are now doing in this proposed amendment is trying to change the established system without benefit or advice of the Commission we organized and created for that purpose.

Mr. BROOKS. Mr. Chairman, if the gentleman will yield, I might say in support of the position of the gentleman from Alabama in opposition to the amendment, that this would possibly increase the cost to the Government without any compensating benefit. If this language were overzealously applied in the form of formal, detailed conceptional designs, this additional design work would then increase their costs. I feel that the architects and agencies, like most people, would end up passing on these costs to the consumer, or in this case to the Government.

Mr. BUCHANAN. I certainly concur that this would tend to increase the cost of the architectural and engineering services, and I oppose the amendment.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think the purpose of the amendment is good; namely, to have the firms that, from the point of view of experience and background, seem qualified to do this job, also at the in-

vituation of the agency involved where appropriate to have them also submit some kind of preliminary design concept. A preliminary design concept would vary with the nature and requirements of the project. In no event should the preparation of a preliminary design concept involve unreasonable expense for the participating firm. If this amendment is agreed to I hope that we will make some legislative history that we would want the agency to limit what would be submitted by the engineering and architectural firms under the heading of conceptional designs so that there would not be a runaway competition where firms might end up spending thousands of dollars.

In the early days of the urban renewal program this took place, where development sponsors and their architects were competing for large jobs in New York, Chicago, San Francisco, and the other major cities, and there the competition just ran wild, and the firms were spending literally thousands of dollars on their architectural planning propositions. And it finally became the practice for cities in advertising for urban renewal sponsors to limit architectural and planning proposals that could be made to a certain number of pages, where the models could not be larger than a number of square feet, so that the expense was held to a modest amount.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, I want to call to the attention of the Members of the House that the gentleman from New York (Mr. SCHEUER) has engaged in some of the largest building operations in the way of apartment houses and things of that kind before he came to the Congress, and probably knows more on this subject than possibly any other Member, and what he is saying here I concur in, and it is the way that I think it ought to be, particularly regarding qualified architectural and engineering firms, and then let them submit conceptional designs in competition with each other, and then let the negotiations proceed.

I will say this, that if the gentleman from Texas (Mr. Brooks) wants any semblance of competition at all in this bill, and will accept this amendment, or if the House passes this amendment, I will vote for the bill, otherwise I will have to vote against it.

Mr. SCHEUER. I thank the gentleman, and I say that I support the amendment. I think where appropriate it is an excellent thing to have proposals on architectural planning and design. It is often clear the places in which it is appropriate, and those in which it is not. For a housing project, a school, a library, a visitors' center, it may be appropriate. For a sewer plant or for a road it probably would not be.

Mr. Chairman, I urge the House to make this legislative history that if agencies are empowered at their discretion to invite submissions of architectural design, planning and esthetics that they be limited in what the architects and engineers are permitted to offer to keep the costs down to a minimal level so as not to limit competition by extravagant costs that we know have been incurred historically in urban renewal presentations.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Texas.

Mr. WHITE. Would not the provision to provide for three submissions of structural designs by selected architects help to eliminate the danger of cronyism—rather than to have the selection of one architectural firm by the decision of one agency?

Mr. SCHEUER. I think the whole idea of opening up large Government jobs to competition is an excellent one. This bill sponsored by the gentleman from Texas does that. I think it is an excellent thing to add the additional dimension of competition that is offered by this amendment, namely, esthetics of the design concept and planning concept.

My only caveat is that we restrict the cost of preliminary conceptual designs to the minimum by limiting what architects and engineers will be permitted to enter as their design concept. This is necessary to keep the cost of presentations from getting out of control.

Limiting the costs of design submissions is especially important to smaller firms. If the costs of submissions were allowed to get out of bounds smaller firms would find themselves at a severe disadvantage in competing with larger, more affluent firms.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The question was taken; and on a division (demanded by Mr. ECKHARDT), there were—ayes 32, noes 26.

So the amendment was agreed to.

The CHAIRMAN. Are there any further amendments to be proposed? If not, under the rule, the Committee rises.

Mr. ECKHARDT. Mr. Chairman, I ask unanimous consent that the amendment placed in the bill by the gentleman from Washington (Mr. Hicks) in section (j)(1) be permitted to be open for amendment at this time. I think I am joined by the gentleman in this request.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The action by which the amendment of the gentleman from Washington was agreed to is vacated and the amendment is open for amendment.

AMENDMENT OFFERED BY MR. ECKHARDT TO THE AMENDMENT OFFERED BY MR. HICKS

Mr. ECKHARDT. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Washington (Mr. Hicks).

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT to the amendment offered by Mr. HICKS: In section (j)(1) of the amendment, after the word "shall," add the following: "after consideration of such alternate conceptual designs and consideration of their feasibility and costs as may be deemed by the agency appropriate."

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, this only makes the section concerning the military conform with the provisions of the original bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to the amendment of the gentleman from Washington (Mr. Hicks).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington, as amended.

The amendment, as amended, was agreed to.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I take this time in order to ask the gentleman from Texas whether, in the consideration of the Eckhardt amendment providing for the submission of preliminary conceptual designs as part of the element of competition, it was not the intention of the House that the agencies that would invite the three most qualified firms to submit schematic drawings would make it very clear that they intended such offerings to be economical, to be of modest cost, and that they would limit the type of presentation and the number of exhibits, the size of the model, and the complexity and sophistication of the exhibits so as to avoid unreasonable or exorbitant costs, so that it would be possible for each of the three firms to submit such schematic drawings and exhibits at a modest and minimal cost? Was this not the intention of the House?

Mr. BROOKS. In reply to my friend, I would say I hope that my concern lies principally with an overzealous application of the language as contrasted to a fair and reasonable application of the amendment that would be added to the bill. As I have previously indicated, this language could be interpreted to require costly and time-consuming design concepts to be submitted by the ranking firms at a time when authoritative data essential to the development of an optimum design might not be available and under circumstances which could discriminate against the younger and smaller architectural firm who would not have the financial resources to develop design concepts on projects for which they did not have a firm, binding contract with the Government.

In reply to my friend, I would say that the amendment is subject to a reasonable interpretation—that this amendment is to give the constructing agency a general idea of the design approach that the firm would take—that the amendment relates and is limited to preliminary concepts and that it is not intended to become a costly and unpaid-for burden or expense on firms wishing to participate in Government work. Certainly, we do not want the experience you cite in urban renewal; namely, the submission of preliminary conceptual designs costing thousands of dollars, to come about as a result of this language.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PRICE of Illinois) having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 16443, to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government, pursuant to House Resolution 1245, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MARKET PROMOTION AND IMPORT RESTRICTIONS

Mr. FOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18884) to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. FOLEY).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the con-

sideration of the bill H.R. 18884, with Mr. BURKE of Massachusetts in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Washington, (Mr. FOLEY), will be recognized for 30 minutes, and the gentlewoman from Washington (Mrs. MAY), will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. FOLEY).

(Mr. FOLEY asked and was given permission to revise and extend his remarks.)

Mr. FOLEY. Mr. Chairman, this bill brings together for the convenience of the committee and the House four matters which are grouped in titles I to IV of the bill. It would have been possible for the Committee on Agriculture to report these as separate bills, but it was felt that in the final days of this session of the Congress, it might be more convenient to consider them as titles to one bill, because they do, in many ways, deal with similar material.

Title I of H.R. 18884 authorizes the amendment of marketing orders for milk, to include authority to provide for paid advertising and to allow separate marketing orders to be amended for the purposes of research and development projects as well as advertising, excluding granddad advertising, and to engage in other promotional and educational programs to enhance the sale and consumption of milk and milk products.

Title II of the bill provides the same authority for marketing orders for other commodities. We have had a number of proposals introduced and referred to the Agriculture Committee to allow the amendment of marketing orders to include research and promotion. The House has actually favorably acted on two of these bills, which were recommended to it, those dealing with apples and papayas. When it became clear to the Committee on Agriculture that a number of other bills would be introduced to ask for similar treatment for other commodities, it seemed more efficient to recommend to the House general authority for the amendment of marketing orders for any commodity and to put all of these commodities on a similar footing with respect to promotion and research and advertising.

Because of a technical problem in the Marketing Agreement Act of 1937, the milk section, which was a different section of the Act, has to be treated as a title all by itself. That is title I.

Title II deals with all other commodities.

Title III of this bill is authority for the development of a national research and promotion program for potatoes. This proposed legislation is exactly similar to that which passed the Senate. It is the result of an effort to accommodate this legislation to recommendations of the Department of Agriculture.

The Senate version which is incorporated in title III of this bill is adapted from the recommendations of the Department of Agriculture to an earlier bill.

It is true that similar legislation was defeated on the floor on November 12 of last year, but this legislation now involved in title III is different in that it incorporates the Department of Agriculture's recommended modifications.

The title would authorize the creation of an national potato promotion board and the assessment of not more than one cent per hundredweight of commercial potatoes by handlers for the development and promotion of a national plan for the advancement of potato consumption and research.

The board would be selected by the Secretary of Agriculture from nominations made by producers.

The board would have authority to expend these moneys, but all of them would be accountable to the Secretary for the proper utilization of the funds presented. There would be limitations on what could be expended.

It would not be possible; for example, to carry on any advertising program against any other commodity, and the Secretary would have the authority to review the conduct of the program by the board.

In order for the plan to come into effect it would have to be supported by two-thirds of the producers by number or volume, but at least a majority of the producers in the country; and a majority could terminate the plan, or it could be terminated by the Secretary.

The need for a national potato promotion program arises out of the fact that there are hundreds of thousands of potato producers in the United States. They are in a situation where falling income requires every effort to increase the consumption of potatoes and potato products. They want to engage in a self-help effort to provide the funds for advertising and research and promotion themselves.

But it is literally impossible to effect such a program by voluntary action because of the great number of producers in all the 48 continental States which would be affected by this program. Attempts at voluntary contributions and voluntary effort without some form of government structure have just not been considered very promising. Inevitably some producers would bear the burdens of the program and others would benefit.

This plan is very similar to the cotton research and promotion program which was authorized by the House and enacted by Congress in 1966. As in the cotton promotion program, there is an opportunity for any producer who does not wish to participate in the program to apply for and receive a refund of any contribution he has made.

Those farmers who farm less than 5 acres of potatoes are not considered commercial under the act and are excluded altogether.

The final title, title IV of this bill, deals with some restrictions on the importation of olives, raisins, and prunes. Where existing grade, quality, and maturity standards apply to American production of these commodities, this section would require similar standards to be met by imported commodities.

Now, there is one exception to the bill

as reported. The gentleman from California (Mr. SISK), one of the principal sponsors of this legislation, will offer an amendment which will be accepted by the committee to eliminate Spanish-style green olives from the provisions of title IV. This will remove the objection of the Spanish Government and the Spanish olive association to the enactment of this title.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman.

Mr. FINDLEY. I am sure the gentleman will recall that the potato bill was up the last time together with the support of some other commodities and it had some amendments in it, one of which placed on the resources produced through the checkoff the full administrative cost of the program, the initial referendum cost and the administrative expense each year. Can the gentleman state whether or not in the proposal now before this body the potato measure is in the form in which it originally came to the floor of the House last year or has it been amended as it was amended on the floor last year to provide that the total administrative, referendum, and other expenses would be borne by the proceeds of the checkoff?

Mr. FOLEY. It is in its original form as it was reported to the floor before amendment.

Mr. FINDLEY. Can the gentleman give us an estimate as to the number of dollars the taxpayers may reasonably be expected to pay to cover the cost of the referendum and the annual administrative expense on the potato items as well as the other items of the bill?

Mr. FOLEY. The report from the Department of Agriculture indicates that the estimated cost of the referendum for the potato section, which is title III, would be \$325,000 for the initial referendum if a full-scale referendum by voting at local ASCS offices were undertaken, but the Department has stated that if the potato associations could provide up-to-date and reliable mailing lists, the referendum could be conducted by mail at a cost that they estimate would not exceed \$180,000. We were assured in the hearings that such mailing lists are available to meet satisfactorily this requirement of the Department. So, in answer to the question of the gentleman, the cost of conducting the referendum for the potato section would be \$180,000 for the initial referendum. The annual estimated cost by the Department for administering such a program, if adopted, would be \$80,000 a year.

Mr. FINDLEY. The gentleman, I believe, stated that this bill goes beyond the potato bill of last year and includes olives, prunes, raisins, and milk.

Mr. FOLEY. Yes; the estimated costs of those titles are as follows: It is estimated the milk section, title I, would cost, in Department of Agriculture figures, \$200,000 for each of the first 2 years and a lesser amount thereafter. Title II, which deals with other commodities than milk, is estimated to cost about \$7,500 for each amendment to a marketing order. The Department does not expect more than eight such orders

to be amended within the first 2 years of the bill. New orders, that is, those that do not exist at all for any commodity, are estimated to cost about \$25,000 a year to administer, but this deals with the amendment of existing marketing orders for commodities to include promotion, and it would not cost the full \$25,000 because it would require only some slight additional administration.

Mr. FINDLEY. But the bill reduces the cost, at least during the first 2 years, by at least \$1 million to the taxpayer; does it not? Would that be a reasonable ballpark estimate?

Mr. FOLEY. No; I think that is high. We have estimates that it would cost \$180,000 to conduct the potato referendum and \$80,000 on top of that which would make it \$260,000. Then \$200,000 for the milk section would be a total of \$460,000 and not more than approximately \$60,000 to \$65,000 for the other commodities. So I would say it would be in the neighborhood of one-half of what you mention or about \$500,000.

Mr. FINDLEY. I thank the gentleman.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from California.

Mr. TEAGUE of California. Whether it is \$300,000 or \$400,000 or \$500,000 or even \$1 million, it seems to me we should bear in mind the fact that these are essentially self-help programs and a few hundred thousand dollars to help these producers who are not subsidized by the Government and who do not participate in our feed grains, wheat, and corn programs is virtually nothing. I think that distinction should be borne in mind.

Mr. Chairman, anyone who voted for the omnibus farm bill, which I did not, certainly ought to be able to vote for these essentially self-help programs.

Mr. FOLEY. This is basically a self-help-type program which I think ought to be encouraged. The gentleman from California and I differ on the omnibus farm bill, as the gentleman knows, but I agree with the gentleman that it would seem strange if the House, having supported the omnibus farm bill at a cost in excess of \$3.7 billion annually, would now reject this bill because of a cost of about \$500,000. I must repeat that this bill provides for a variety of self-help programs by commodity producers who do not share in general price-support legislation. The cost of this bill is about one ten-thousandth of the cost of the general farm program. It is surprising that Members of Congress would come down so hard on self-help programs by insisting upon extracting even the administrative costs of the program from the producers.

I agree with the gentleman that these producers should be encouraged rather than discouraged. The effort to extract the cost of the administration from these programs when we extract them from no other program is difficult to justify.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield further?

Mr. FOLEY. Yes; I yield further to the gentleman from Illinois.

Mr. FINDLEY. The gentleman indicated that the committee would accept

an amendment dealing with Spanish olives. Does the gentleman know if the committee will accept an amendment to place the administrative cost of these programs on the income of the checkoff?

Mr. FOLEY. I would personally oppose such an amendment.

Mr. FINDLEY. The gentleman might oppose it, but the committee has not taken a position on it?

Mr. FOLEY. No; it has not.

Mrs. MAY. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

[Mr. GOODLING addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. FOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Chairman, I rise in support of the bill which is before us now, and I particularly support title III thereof. The potato-producing industry has long played a major role in our national agricultural program. The production and marketing of potatoes is carried on in every State in the United States, and yet uncoordinated marketing habits have resulted in the failure of the potato industry to keep pace with the ever-changing trends in consumer buying. I believe this bill will provide a way to help the industry to develop new markets, protect the product, and develop new promotional means.

The point has been made that this is going to cost the taxpayer \$300,000 or whatever the figure is. I believe it was finally resolved if we use the mailing list of the associations, it will come to \$180,000 to conduct the referendum, and it will cost another \$80,000 annually. But this is a pittance compared with the amount of money we are spending to subsidize other agricultural products.

In the State of Maine, for example, the second largest potato producer in the country, we are producing 150,000 acres of potatoes. The area is in northern Maine and is suitable for few other crops than potatoes, especially on a wide scale. Over the past few years, the potato industry in Maine and throughout the country has not received any subsidy from the Federal Government, not since World War II anyway, and the amount that is going to be spent to promote their products, which by the way is going to inure to the benefit of the consumer as much as it is going to inure to the benefit of the growers, is a pittance. I think it would be a wise investment by the House of Representatives to support this legislation.

The point has been made that only 17,000 growers are going to benefit from this; 17,000 growers growing 5 acres of potatoes or more. If you try to conduct a referendum of 310,000 growers throughout the country, this would be an unwieldy procedure and it would not be profitable because most of those growers producing under 5 acres, are using it for their own consumption or supplying their friends and neighbors, and not entering into the big market.

Furthermore, the benefits of any plan adopted by the 17,000 growers who are growing 5 acres and above will inure to the benefit of those growing under 5 acres.

So let me say in conclusion, I think the legislation is good legislation and that the cost involved is very small compared to the benefit to the consumers and the growers of potatoes throughout the country. I hope the House will give its overwhelming support to the bill.

Mr. GOODLING. Mr. Chairman, will the gentleman yield for a question?

Mr. HATHAWAY. I yield for a question.

Mr. GOODLING. Is it not a fact that the Maine potato growers defeated the referendum a year ago, similar to the Pennsylvania referendum which was defeated?

Mr. HATHAWAY. I will say in answer to the gentleman's question that the Maine potato growers are unanimous in their support for this particular legislation. Whether or not they defeated one in the State of Maine, to the best of my knowledge, I do not know—but the gentleman could be correct. But I know the Maine Potato Council which is the spokesman for the Maine potato growers has unanimously approved the bill which is under discussion right now.

Mr. GOODLING. I am certain I am correct in my statement when I say that the Maine potato growers defeated the referendum similar to the one that the Pennsylvania potato growers defeated a year ago.

Mrs. MAY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. FINDLEY).

(Mr. FINDLEY asked and was given permission to revise and extend his remarks.)

Mr. FINDLEY. Mr. Chairman, a year ago the House rejected a potato bill, and I guess it might be said that the potato bill got mashed. This time we have a bill that has not only potatoes in it, but olives, prunes, and raisins and milk. So this might properly be called a potato salad bill and maybe the question before the Committee today is whether the potato salad will get tossed.

There are several aspects of this bill that trouble me. One part is the provision on dairy. If I am correct, and I hope the gentleman from Washington will correct me if I am wrong, the referendum authorized for dairy does permit co-operatives to vote as a bloc. Am I correct on that point?

Mr. FOLEY. Yes.

Mr. FINDLEY. This means that a minority of the producers of milk through the operation of bloc voting could effectively impose a marketing order for the majority of milk producers. Would anyone challenge that assertion? I believe that is a fair assessment of what could happen.

Another aspect is that the bill has no provision which permits dairy producers to get a refund. Dairy is unique in that respect.

Under the other provisions of the bill the producer who wants to go through the paperwork procedure can get a refund in the amount of the checkoff imposed against his marketed product. But

for some reason this is not extended to dairying. I wonder if anyone can explain why dairy producers are given such exceptional treatment, are passed up in this regard? I hear no response to that question.

Another aspect of the bill that troubles me is the degree to which it puts the Federal Government into the product-advertising business. In reading the bill I note that the Secretary of Agriculture is the official who selects the potato board and the board for the other commodities as well. Therefore, through his office the amount of the checkoff is determined. Through his office authority is exerted over how the proceeds of the checkoff are spent.

Is it really in the public interest to put an official of the Federal Government so deeply into the business of product advertising? I question it as a matter of public policy, and therefore urge my colleagues to join me in opposing this bill unless, happily, it is amended enough to make it desirable, though I have not heard of any amendments to accomplish that.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Washington.

Mrs. MAY. In response to the gentleman's question concerning the difference in the handling of checkoff on dairy products, the milk section of this bill is an amendment to the 1937 Act, and there have always been dairy cooperatives and bloc voting has been traditional, as well as no producer refunds. The potato research title in this bill is another separate act, differing from the amendment to the 1937 act, which title I of the dairy bill is.

Mr. FINDLEY. Am I not correct in stating that the 1937 act is opened up?

Mrs. MAY. For amendment.

Mr. FINDLEY. An amendment which could guarantee the right of each milk producer to vote directly in the referendum.

Mrs. MAY. The bill is open for amendment. I just wanted to point out the difference in the approach between the two commodities.

Mr. FOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I rise in support of H.R. 18884, a bill which has been carefully considered by many subcommittees and the full Committee on Agriculture before being brought to the House floor today. As you know, there are four sections of this bill, each of which is extremely important to some segment or other of our agricultural economy. Of course, I am particularly interested in section 3, having been the cosponsor of similar legislation a few months ago; legislation which was defeated by this same House of Representatives by a margin of 27 votes, which I am positive was due to a misunderstanding on the part of some as to the intent of this legislation. Many of you who voted "no" on that occasion have assured me that with a more thorough understanding we can expect your support here this afternoon.

In the broadest sense this entire bill, and particularly section 3, permits our farmers and farm organizations to make their products more competitive in this Nation and the entire world by providing for promotion and research without any cost to the American taxpayer whatsoever, with the possible exception of the cost of the referendum.

For many years different commodities have been brought to the attention of the Agriculture Committee asking for special legislation to provide for marketing orders and special promotional plans. This bill, H.R. 18884, will to some degree eliminate the necessity of this legislative process in the future, at least as it relates to the four commodities covered.

Certainly anyone who believes in free enterprise, whether it be in industry or agriculture, should commend the producers of these various products for their efforts to improve their economic status. Certainly in this day of an inflationary spiral which is touching all segments of our economy, except that which the farmer is receiving for his produce, this bill is sorely needed, and, in my opinion, deserves the support of every Member of this House.

In my opinion, this bill deserves the support of every Member of this House.

Mr. Chairman, I am well aware of the opposition of one of the major farm organizations and the campaign which they have conducted against particularly title III of the bill, but I would like to relate a little instance which happened a few months ago when the original bill was being considered. As I recall, there were 12 witnesses from the States of California, Washington, Idaho, Maine, and, yes, North Carolina, who appeared in support of this legislation. The only opposition expressed in that full committee hearing was by a gentleman named Mr. Lynn who at that time, as I recall, was a legislative representative of the American Farm Bureau. When he finished with his opposition, I directed a question in words to this effect:

"Mr. Lynn, whom do you represent?"

His answer was, "The American Farm Bureau."

I then asked the 12 witnesses who had appeared on behalf of this bill how many of those gentlemen were members of the Farm Bureau somewhere in their respective States, and as I recall, 11 of the 12 stood and said they were Farm Bureau members. My only question to Mr. Lynn was, "Then just whom do you represent, sir?"

Yes, title III has had unqualified endorsement of the overwhelming majority of those who are seeking this legislation.

This is not a bill that I designed or that any member of the committee designed. This language was brought to us by the producers themselves in what they believe are their own best interests.

I ask the Members to support not only title III but the other sections also, of H.R. 18884, for, in my opinion, it is sorely needed and greatly needed by those whom it will affect.

(Mrs. MAY asked and was given permission to revise and extend her remarks.)

Mrs. MAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 18884 contains four titles, the impact of which I would like to briefly review.

Title I would authorize amendments to milk marketing orders providing for the establishment of research and development projects, and advertising, sales promotion, educational, and other programs designed to promote domestic marketing and consumption of milk. These programs would be financed through producer assessments.

Title II would authorize amendments to marketing orders for all commodities other than milk for the same purposes I have just outlined.

Title III incorporates the Potato Research and Promotion Act—self-help legislation designed to assist potato producers in expanding their markets. It would provide for a program of potato research, development, and advertising and promotion, to be financed by assessments of not more than 1 cent per 100 pounds of potatoes produced commercially in the 48 States. It is similar to the existing Cotton Research and Promotion Act. The program could go into effect only after approval by the Secretary of Agriculture and by two-thirds—in number and volume and at least a majority in number—of the potato producers voting in a referendum. The program would be administered by the growers themselves, subject to approval of the Secretary. Only commercial producers who produce 5 or more acres of potatoes would vote or be subject to assessment, and any producer could obtain a refund of his assessment if he so desired.

Title IV would prohibit the importation of olives, raisins, and prunes when such commodities would compete with commodities marketed under an order containing terms or conditions regulating grade, size, quality, or maturity.

The purpose of this legislation, Mr. Chairman, is to help U.S. farmers hold and expand markets for the commodities they produce. Research and promotion have proven to be effective market development mechanisms for many commodities, and allowing producers to assess themselves to help sell their product is the kind of basic self-help tool which many of us believe is a better path to follow than the road of greater and greater Federal involvement. Farmers can help themselves if given the tools with which to work, and this legislation will help supply those tools—with minimal cost to the Federal Government, I might add.

This Congress has already approved legislation to authorize paid advertising under marketing orders for almonds, apples, and papayas. So the thrust of this bill is consistent with that policy established by Congress years ago and reaffirmed by this body.

We recognize, of course, that there may be disagreements over the details—the specific mechanics—of this particular bill, but there can be little question over the desirability of the policy it embodies. So I appeal to my colleagues not to let any differences over details deprive U.S. farmers of this important means of helping themselves improve their economic position.

A second avenue of approach utilized

by this legislation would help protect domestic markets of olives, raisins, and prunes against competition of unregulated imports which do not meet the size, quality, or cleanliness standards of American produce. This has become an increasingly serious problem to U.S. producers and needs to be dealt with directly.

In conclusion, Mr. Chairman, our committee—along with many others in this body—are keenly aware of the need to build up the sagging U.S. agricultural economy, and we feel that this legislation with its self-help provisions can assist farmers in moving toward this goal. The bill was reported from our committee by an overwhelming vote, and I urge my colleagues in the House to make the vote today equally overwhelming for its enactment.

Mr. MATHIAS. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I am glad to yield to the gentleman from California.

Mr. MATHIAS. I rise in support of this very important self-help bill. I have had a great interest in title III, which contains the Potato Research and Promotion Act. I can say, after 4 years of service on the Committee on Agriculture, at no time have we seen as much unanimity for such a program as there is for the potato research and promotion program.

In the 48 contiguous States which grow potatoes I believe it is a fact that almost 100 percent of the growers agree a research and promotion program is desperately needed.

I do rise in support of the whole bill, and I hope it will be passed.

Mrs. MAY. I thank the gentleman from California. Indeed I can corroborate that he has worked very hard on behalf of the potato section of this bill, and indeed it did have very rare unanimity of support, which we do not often see in the Committee on Agriculture.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentlewoman yielding.

In the milk section on title I there are two things which are of concern to a number of people. I recognize the milk producers are split as to what they think about this kind of legislation.

In the Department letter, found on pages 10 and 11 of the committee report, they urge enactment of what was then H.R. 10710, but suggested minor modifications, including accommodation of refunds to producers under certain circumstances.

The bill which comes before us does not have that Department language contained in it.

I have an amendment prepared, which I do intend to offer at the appropriate time, to allow the refund. I wonder if the gentlewoman could give us any reason why that particular section was left off?

Mrs. MAY. I will say there was a controversy within the committee from the various sections of the dairy producing areas of our Nation. At that time there

was a split feeling, shall we say, among members of the Agriculture Committee.

May I tell the gentleman, today it is true, in the interest of equity, since we have given this same provision in the potato section of the bill, I personally would add support to accepting the gentleman's amendment when offered.

Mr. STEIGER of Wisconsin. I thank the gentlewoman for her comments and support.

Mr. FOLEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. SISK).

(Mr. SISK asked and was given permission to revise and extend his remarks.)

Mr. SISK. Mr. Chairman, I appreciate the gentleman from Washington yielding.

I simply rise to state my support for this bill.

As has already been explained, of course, there are four titles in the bill. It is my opinion that they all represent progress in connection with the self-help program. I think all four titles will tend to improve the situation from the standpoint of the producers of the various items that are mentioned herein. I recognize that there are differences of opinion, but basically the commodities and the types and kinds of farming and agriculture we are dealing with here are types that are not subsidized, have never been subsidized, and are not now seeking any subsidy. These are people who have consistently, throughout the years, fought their battles in an open and free market. That is the position in which they desire to continue. These are programs which do permit them through working together and through cooperative arrangements and agreements to help themselves. As I say, they seek no subsidies in connection with any of the programs here involved.

So, Mr. Chairman, I would urge support for all titles of this legislation.

I think the gentleman from Washington (Mr. FOLEY), has already mentioned the fact that I will offer an amendment which I understand will be accepted generally by the committee doing away with some controversy with regard to olives in connection with title IV. The Spanish Olive Association raised some question, and we are offering an amendment which will exempt the Spanish-type green olives. This effort to reach this compromise was participated in by representatives of that association and, of course, it is agreeable to the California olive people. Therefore, as I understand it, this removes all of the objections that they had at the time the hearings were held on the legislation.

Mrs. MAY. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GUBSER).

(Mr. GUBSER asked and was given permission to revise and extend his remarks.)

Mr. GUBSER. Mr. Chairman, I thank the gentlewoman for yielding to me.

I rise in support of this legislation and particularly to address myself to title IV, which says in effect that the American consumer has the right to expect the same standard of quality in dried

fruit which is imported as is demanded of the producer of dried fruit in this country.

I am utterly appalled that the U.S. State Department is on record in opposition to title IV. I hope the people downtown in the State Department read the CONGRESSIONAL RECORD tomorrow, because I would like to use that device to remind them that their checks, when they come to them on the first of each month, are drawn on the "Treasurer of the United States." They receive their pay from the American taxpayer.

I am appalled that each time the tax-paying American public's interest comes into conflict with a foreign interest, the State Department is always lined up in opposition to the American taxpayer.

Mr. Chairman, dried fruit producers are not asking for a quota to be set on imported raisins and prunes. They are not asking for higher tariffs. They are not asking for the imposition of any hidden, nontariff barrier that would preclude importation. They are simply asking that imported dried fruit meet the same quality standards as we have imposed upon our product produced here in this country.

The California raisin industry has been able to market its product in an orderly fashion through a Federal marketing order for raisins. It has set aside as high as 40 percent of its crop in some years.

Mr. Chairman, the trade has established uniform standards so that both the domestic trade in the United States and the export trade must meet those standards. But ironically under the present situation the domestic grower must meet U.S. standards when he exports to a foreign country, but a foreign grower does not need to meet U.S. standards when he exports to the United States. Now, I ask you, does that make any sense at all? To permit anything less than U.S. standards for raisins imported into this country would be equivalent to setting up a double standard. It constitutes unfair competition for American growers.

Mr. Chairman, our prune industry is also trying to help itself through three programs. This year in a "green drop" program it took the equivalent of more than 23,000 dried tons of prunes and dropped them from the trees, a total waste.

Second, it has embarked upon a program to eliminate small prunes from the market. Third, it has taken 12,000 tons of last year's inventory and diverted it to cattle feed.

Forty-nine thousand tons of small and inferior, low-quality type prunes have been taken off the market. But now some Eastern European nations are today being allowed to export small-grade or poor-quality prunes to the United States. They are small sized, poor quality, and they do not meet the same standards which our growers impose upon themselves.

Mr. Chairman, I strenuously object. I cannot say too strongly that we should not permit foreign countries to use the U.S. market as a dumping ground for low-quality products that we forbid our

consumers to buy from domestic producers.

Mr. Chairman, there is a great wave of consumerism sweeping our country. We have an honest, serious, and legitimate concern for the quality of food which we offer to our consumers for their consumption. Yet, we require these high standards for the American grower and we look the other way when the foreign producer is allowed to send products into this country which violate those standards.

The dried food industry across this Nation is in serious straits. As the gentleman from California (Mr. SISK) has already told us. It has never asked for a subsidy and it never will. It only asks to compete fairly, on equal terms, in the world marketplace.

All title IV of this bill does is to say to the American consumer, "You have the right to expect the same quality from that which is produced outside this country that we give you when it is produced inside this country." It also says that we shall compete fairly throughout the world instead of having one-sided requirements imposed upon agriculture by the U.S. State Department.

Mr. FOLEY. Mr. Chairman, I have no further requests for time.

Mrs. MAY. Mr. Chairman, I yield 3 minutes to the gentleman from New York. (Mr. McEWEN).

(Mr. McEWEN asked and was given permission to revise and extend his remarks.)

Mr. McEWEN. Mr. Chairman, I share the views so well expressed by my colleague from Illinois when he addressed himself to the fact that under title I, this promotion program could be voted in by a bloc vote. I commend also my colleague from Wisconsin for the amendment he intends to offer permitting individual voting and also the amendment to provide for a refund if an individual producer does not wish to participate in this program.

Mr. Chairman, I know that there is a division among dairy farmers and dairy organizations on this section of the bill. But I am also aware of the fact that one of the major producer groups in the United States recently conducted a poll of its members numbering some thousands, and in that poll 87 percent of the milk producers replying said they were opposed to a compulsory program for milk and dairy products.

If the amendments offered by the gentleman from Wisconsin are adopted, and I think there are other provisions, as the gentleman from California (Mr. GUBSER), has pointed out in title IV, for example, that are very laudatory in this bill, then these improvements are made in this committee I intend then to support the bill.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in opposition to H.R. 18884 which would authorize assessments for the promotion of certain domestically produced commodities, including milk, and extend import restrictions to raisins and prunes.

Title III of this bill, the Potato Research and Promotion Act, is nearly

identical to a bill which this body rejected on November 12th of last year—a bill which I voted against. I intend to vote against this bill for the same reasons I voted against that one, plus a few more which present themselves with the addition of milk, raisins, and prunes. I can now understand why some insiders refer to this as the "Salad Bill," though I must say that the ingredients make for a most unpalatable salad, just as the contents of this bill make for a most unpalatable law. This is one tossed salad that ought to be tossed out the window rather than be served at the President's table.

Mr. Chairman, in examining the legislative history and contents of this bill I am reminded that the other body does not necessarily have a monopoly on the Christmas tree business, especially around this time of year. In fact, this bill reminds me a little of the song, "The 12 Days of Christmas," with all its good-ies. I can almost hear the salad bill chorus ending on the melodious refrain, "and a lame duck in a pear tree."

Mr. Chairman, I do not intend to lightly dismiss this bill without addressing myself to the substantive objections which I have. We are being asked today to approve checkoff assessments on producers of several food commodities to finance promotion programs. We are also being asked in title IV of this bill to extend import restrictions to certain foreign commodities which do not measure up to domestic standards.

Mr. Chairman, those of us who objected to the original potato bill did so on the grounds that it not only discriminated against the vast majority of potato producers who would not be included in the program by virtue of small acreage, but because it would also set a precedent for producers of other food crops who would seek similar advantages from the Government. Apparently our fears were well founded for that is exactly what is happening under this legislation. At least under the potato title a producer may receive a refund on his assessment if he desires; but under titles I and II which cover dairy and other commodities, there is no such provision for an individual producer to receive a refund.

Mr. Chairman, if we look at this bill from the standpoint of logic, it makes little sense, for once you authorize these promotion funds for every imaginable commodity, any competitive advantage that might be intended would be lost. Competitive commodities would each have their own promotion programs which would tend to offset each other and thus bring us full circle but at considerable expense to producers, consumers and the U.S. Treasury.

Finally, in title IV which extends import restrictions to raisins and prunes, we have a provision which the Department of State claims will be interpreted by the affected supplying countries as a nontariff barrier in violation of various international commitments and agreements, including GATT. The State Department concludes that these countries will likely respond with retaliatory measures against those American commodities

which they import. I therefore oppose this title for the same reasons I opposed the trade bill—it is overprotective and likely to spur a trade war.

In conclusion, Mr. Chairman, I urge the defeat of this salad bill. I could think of no better way to spoil a Christmas dinner than to serve this chaotic concoction at the outset.

Mr. JOHNSON of California. Mr. Chairman, I rise this afternoon as a co-author of H.R. 18884 to urge my colleagues to give their favorable consideration to this legislation.

Originally I became interested in this legislation because of H.R. 682 and H.R. 2387, which I cosponsored in the opening days of the 91st Congress. These bills would have extended import restrictions of the Agricultural Marketing Agreement Act of 1937 to olives and raisins, respectively.

Subsequently, I supported my good friend and colleague from California, Congressman GUBSER, in his effort to provide similar provisions for domestic raised prunes.

I was extremely gratified that the provisions of these three bills were incorporated in title IV of the omnibus bill, H.R. 18884, which was reported by the Committee on Agriculture.

Looking at this basic question of the equal status of domestic raised crops in competition with imported commodities, I would like to cite for you the comments made recently by Mr. A. E. Thorpe, executive vice president of the Dried Fruit Association of California. While he was speaking primarily of raisins in the following discussion, I think the same philosophy prevails for all three commodities covered in title IV:

The California raisin industry is not asking for a quota to be set on imported raisins. They are not asking for higher tariffs, nor are they asking for the imposition of any hidden non-tariff barrier which would preclude the importation of raisins from abroad that are sound, clean and edible, as well as of the same grade and quality as the domestic product. They are simply asking that the imported raisins meet the same quality standards as the industry has imposed upon its own product to give the American consumer a quality to which they are entitled. Purely and simply this is a matter of equity and is intended to keep out low grade raisins. Section 8(e) does no more than this.

The California raisin industry has been able to market its product in an orderly fashion through the Federal Marketing Order for Raisins. It has set aside as high as 40% of its crop in some years, to be diverted into non-domestic channels. It has provided its own subsidy for those raisins shipped in export by meeting world competition which usually does not return the cost of production to the grower. He is thus dependent upon the domestic market for a fair return for his crops, and in order to maintain that market, insists on strict quality regulations. To accomplish this, the industry has adopted U.S. Standards, and will not permit raisins to be shipped either in domestic or export channels unless they meet such standards. Every pound of raisins received by processors from producers requires inspection for quality. Every pound of raisins processed and shipped to the trade is inspected to assure they meet these quality standards.

To permit anything less for raisins being imported into this country would be equivalent to setting up a double standard and

would provide unfair competition for American grown raisins.

Additionally, I would like to emphasize that all three industries are expending heavily in research, advertising, and trade promotion. It is not intended that these funds advanced by the domestic industry should help provide and expand a market for low-grade prunes, raisins, and olives from abroad. We feel that these imported commodities should measure up to the standards required for this Nation.

Furthermore, we strenuously object to any foreign country using this country as a dumping ground for low-quality products, whether they be raisins, prunes, olives or other commodity.

One other provision of this legislation of special importance to me, is title III, the Potato Research and Promotion Act provisions. This provides for a program of potato research, development, advertising, and promotion, to be financed by assessments of not more than 1 cent per hundred pounds of potatoes produced commercially in the 48 contiguous States. It is generally similar to the Cotton Research and Promotion Act, which was approved July 13, 1966. The program would be effective only if approved by the Secretary of Agriculture after notice and hearing and by two-thirds—in number and volume and at least a majority in number—of the producers voting in a referendum. It would be administered by a national potato promotion board composed of producer representatives selected by the Secretary from producer nominees. The board would develop a budget and program, recommend assessment rates, and enter into agreements to carry them out, all subject to the approval of the Secretary. Assessments would be collected by handlers. Only commercial producers, who produce 5 or more acres of potatoes, would vote or be subject to assessment. Any producer could obtain a refund of his assessment if he desired.

The potato industry, which I represent in California, feels very strongly they should be entitled to participate in this program, which in effect is a self-help effort on the part of this industry.

The cost would be minimal compared to the benefits to the industry, which would result in stability to the area. As coauthor of H.R. 18884, I urge your support of the omnibus bill, as it would meet the needs of the industry.

Mrs. MAY. Mr. Chairman, I have no further requests for time.

Mr. FOLEY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the bill by title.

The Clerk read as follows:

H.R. 18884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ADVERTISING PROJECTS

SEC. 101. Section 8(c) (6) (I) of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended to read as follows: "Establishing or providing for the establishment of production research, marketing research, and development projects designed

to assist, improve, or promote the marketing, distribution, and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to those commodities specified in section 8c(2) of this Act, such projects may provide for any form of marketing promotion including paid advertising: *Provided further*, That the inclusion in a Federal marketing order of provisions for research shall not be deemed to preclude, preempt, or supersede research provisions in any State program covering the same commodity."

TITLE II—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 202. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of \$561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 203. As used in this title:

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their

competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 204. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan." Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 205. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 206. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 207. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 208. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board, as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a) (4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 209. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided*, however, That any such program or project

shall be directed toward increasing the general demand for potatoes and potato products: *And provided further*, That such promotional activities shall comply with the provisions of section 208(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising, and promotion in years when the production and assessment income may be reduced: *Provided*, That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 210. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for payment of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of han-

dlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 211. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 212 (a) of this title.

ENFORCEMENT

SEC. 212. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than \$100 nor more than \$1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 213. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is

carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpoena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 214. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 210(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 215. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 216. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 217. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 218. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 219. This title shall take effect upon enactment.

TITLE III—RESTRICTIONS ON IMPORTED COMMODITIES

SEC. 301. Section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between "tomatoes" and "avocados," the following: raisins, olives, prunes".

Mr. FOLEY (during the reading). Mr. Chairman, I ask unanimous consent that the entire bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will read the first committee amendment.

The Clerk read as follows:

Page 1, line 3, insert the following:

"TITLE I—ADVERTISING PROJECTS: MILK

"SEC. 101. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

"Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising, or marketing research as required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend

such funds for any of the purposes authorized by this subparagraph and may designate employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds allocated under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order."

Mr. FOLEY (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN TO THE COMMITTEE AMENDMENT

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin to the committee amendment: On page 3, line 17, strike the quotation marks and insert in lieu thereof the following: "Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Chairman, this amendment is the one I discussed with the distinguished gentleman from Washington (Mrs. MAY) and a copy has been given to the gentleman from Washington (Mr. FOLEY) who is handling the bill.

This is the amendment which would guarantee under the marketing order the right of an individual producer to receive a refund when he so desired. If he did not support the research and promotion carried out under the order, he could then get a refund.

I want to make it very clear that it is the intent of this amendment that such a provision for a refund should be included in an order under the terms and conditions therein as established by the Department of Agriculture, and that it is my intent that it be simple; that is, that the producer be able to receive a refund in as quick and convenient a manner as possible so that there is not too much

paperwork for the farmer to go through in order to receive his refund.

This is something about which a number of people have a great interest. I was interested, for example, in the remarks of the distinguished gentleman from New York. I think this amendment would go a long way toward helping to clear up any difficulties that may be forthcoming as a result of promotion and research under a marketing order, because all we are doing here in this section is mandating from the farmer a checkoff from his funds for this purpose.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Texas.

Mr. POAGE. Mr. Chairman, speaking only for myself, as chairman of the committee, I would be perfectly willing to accept the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. I am grateful for the acceptance of the amendment by the distinguished gentleman from Texas.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. Can this milk producer—and this does apply to milk only?

Mr. STEIGER of Wisconsin. Milk only.

Mr. GROSS. Can this producer verbally request a refund, or must he go through a lot of redtape, Government redtape, in order to get his refund?

Mr. STEIGER of Wisconsin. May I say to the gentleman from Iowa that I would think we would have to make some kind of written request for a refund. I tried to indicate in my opening statement my own understanding that this amendment is designed to allow a refund to be possible under the terms and conditions of the order and to direct the Secretary of Agriculture to make it as convenient and as expeditious as possible with as little paperwork as necessary for the farmer to get a refund.

Mr. GROSS. The gentleman says to "allow." Is this not mandatory that the refund be made upon the request of the producer?

Mr. STEIGER of Wisconsin. Yes, it is mandatory, but subject to the terms and conditions that are contained in the marketing order.

Mr. GROSS. I thank the gentleman.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to my colleague, the gentleman from Iowa.

Mr. KYL. I would like to direct three brief questions to the gentleman from Wisconsin.

First, we are talking here about an annual refund; is that correct, rather than a periodic or monthly refund?

Mr. STEIGER of Wisconsin. Yes, it would have to be a periodic refund, depending on the marketing order.

Mr. KYL. Question No. 2. I am assuming that a producer makes a request that all of his funds be returned, he could not request a portion of his contribution to be returned?

Mr. STEIGER of Wisconsin. That would be correct.

Mr. KYL. Finally, I am assuming there would be no cost assigned to the individual producers who ask for a refund. In other words, he would get his original contribution back without deductions for bookkeeping, and so forth.

Mr. STEIGER of Wisconsin. Yes.

Mr. KYL. I thank the gentleman.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman.

Mr. FINDLEY. As I understand the gentleman's amendment, it deals also with block voting; am I correct on that?

Mr. STEIGER of Wisconsin. No, I have a separate amendment on block voting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) to the committee amendment.

The amendment to the committee amendment was agreed to.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN TO THE COMMITTEE AMENDMENT

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin to the committee amendment: On page 3, line 7 strike out the phrase: "Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders," and insert in lieu thereof: "Notwithstanding the provisions of section 8c(12) and the last sentence of section 8c(19) of this Act, no order provision under this subparagraph (I) shall be effective unless separately approved by producers in a referendum in which each individual producer shall have one vote,".

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Chairman, this is the second of the amendments. This is the one that goes to the question of block voting.

I recognize full well that for producer cooperatives the concept of block voting is one that has always been supported. I think it is easier to have block voting in complicated marketing orders generally.

I think it is pretty clear that there is a reason for block voting as it has been carried on before. We have previously made an exception under the class I base plan passed here by the House sometime ago and, finally, now signed into law I guess or about to be signed into law. There is also a provision for one-man, one-vote in title III of this bill.

Mr. FOLEY. Is the gentleman aware the class I base plan has been signed into law as of 11 o'clock this morning.

Mr. STEIGER of Wisconsin. I thank the gentleman.

In title III of this bill, H.R. 18884, in the potato section, there is a comparable type of provision—not identical language. What we are saying here is that this is a single-purpose provision in the order. It is marketing and research. It has nothing to do with the other com-

plexities of the typical milk marketing order. Therefore, each individual producer ought to be able to make a judgment as to whether or not he wants to be voted as part of a bloc or as an individual producer. I think there is every reason to believe that he would be better off voting on a one-man, one-vote basis, voting as an individual producer, as he sees whether or not the marketing and research order would be essential to him as an individual.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman. To make a little legislative history here, am I correct that the gentleman intends that his amendment prohibit a research and promotion checkoff for dairy unless the referendum on this program permits individual producers to vote separately?

Mr. STEIGER of Wisconsin. That is correct.

Mr. FINDLEY. I do not know whether the language you have introduced as an amendment will effectively change the basic law for dairy to accomplish that. I did want to make clear that that is your intention, that it would prohibit any referendum for the purpose of research and promotion for dairy unless the individual dairy producer is permitted a separate and independent vote.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comment. He is correct in terms of his analysis of what the intent of the amendment is and what its effect will be if it is adopted.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. The gentleman has just offered an amendment which provides, as I understand it, a convenient and easy refund of any assessments to be made for promotion or advertising under this title. That amendment was accepted by the chairman of the committee and adopted by the committee. It would seem to me that this removes any basis for the second amendment being offered by the gentleman from Wisconsin. If individual producers, regardless of whether they favor or disapprove of a promotion and research program, have an absolute right to a refund in a convenient and prompt manner, how can they be disadvantaged by any provision in the existing law for bloc voting?

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am glad to yield to the gentleman from Iowa.

Mr. KYL. I do not think the gentleman's argument prevails at all. It is possible that there are far more people who would not want to be involved in this program than who would want to. Therefore, there would be a very substantial, perhaps a majority number of the people involved who would request a refund, and the amount of paperwork, and so on, would leave nothing for promotion. I think if you adopt the amendment offered by the gentleman from

Wisconsin or not, the vote is an absolute necessity to get a viable program into operation. Otherwise, we may not have any promotion at all.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from New York.

Mr. McEWEN. I thank the gentleman for yielding. I agree with our colleague from Iowa. The gentleman's amendment would permit the individual expression of producers. Otherwise, it could be extremely burdensome. Under the first amendment adopted, the producer would have to renew his request.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. STEIGER of Wisconsin was allowed to proceed for 2 additional minutes.)

Mr. McEWEN. Mr. Chairman, will the gentleman yield further?

Mr. STEIGER of Wisconsin. I yield to the gentleman from New York.

Mr. McEWEN. Under the amendment we just adopted, the producer must periodically make his request for a refund, which is some burden. I think that the amendment it is still a burden. The argument against doing away with bloc voting and permitting individual voting has always, as I have understood it, been that the milk order might fail because not enough people would vote, and therefore the order would fail. In this case we do not have that threat because those matters are separated. If it is turned down, the language of the order does not fail. I think the amendment offered by the gentleman supplements the first amendment that we have adopted, and I think they go hand in hand. We need both of them.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comments.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Washington.

Mr. FOLEY. I would like to ask the gentleman another question. He is aware, I am sure, that the act in question, in section 8c, subsection (16) provides for termination of any order at the sole option of the Secretary of Agriculture, and that, in addition, the Secretary does not have to promulgate an order after it has been in effect voted upon by the required number of farmers. So we have the backstop protection against the kind of case stated by the gentleman from New York, that if an overwhelming number of producers voted against a program, the Secretary could make a simple determination that it was not in the public interest either to promulgate a program or to terminate an existing program without any further requirement on the part of individual producers.

Mr. STEIGER of Wisconsin. I do understand what that implies, but again let me just simply say, while I do like the idea of research and promotion we are talking here about the individual farmer's income. We are talking about a checkoff from the milk which he markets and I think that every dairy farmer ought to be given the right to make a

determination on an individual basis as to how his money is spent. Bloc voting runs counter to that ability, and that is the reason, it seems to me, since it is a separate facet of the order, the bloc voting ought to apply in this instance.

Mr. FOLEY. There are safeguards which do exist and which protect the rights of the individual farmer. The gentleman's first amendment would give full and adequate protection.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(On request of Mr. GERALD R. FORD, and by unanimous consent, Mr. STEIGER of Wisconsin was allowed to proceed for 2 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, the so-called safeguards mentioned by the gentleman from Washington, if they do exist and I assume that they do exist, in no way protect the right of the individual against the problem of block voting. There is a safeguard in the hands of the Secretary of Agriculture, not a safeguard for the rights of the individual participant who might be precluded from casting his vote the way he wants to if there is block voting.

Mr. STEIGER of Wisconsin. Mr. Chairman, it seems to me the comments of the gentleman from Iowa were right on target, that we do in this instance have a situation in which we will have a refund for individual producers, but if we use block voting and maintain and have this kind of marketing order, we are going to run the risk of the majority of farmers' withdrawing from research and promotion simply because the individual farmer was not given the right to make the individual determination.

I hope the amendment is adopted. I think it will strengthen the bill, and I hope the bill can then pass in good shape.

Mr. FOLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is not my purpose to argue the justification or the lack of justification of block voting. It has been in the Milk Act since 1937. It is a controversial subject that has been raised in the past debates on this floor as well as on the floor of the other body. All we did in this particular section is to give authority to have marketing orders amended for research and promotion in the same manner and with the same general guidelines as other amendments to milk marketing orders have made in the past.

If it is the desire of members of the committee to alter the block voting rule, then appropriate legislation can be introduced for that purpose. It seems to me any question about the individual rights of milk producers under this kind of assessment program have been more than adequately provided for by the adoption of the first amendment offered by the gentleman from Wisconsin. His first amendment which lets every single producer, regardless of his reason, get out of the program at any time he wishes to get out; to get a full refund, whether he voted for the program or not; or ap-

proved it in the original instance, or otherwise, or whether he participated for a time or not. He does not have to offer any reason, as I understand the amendment of the gentleman, or have any particular complaint, except that he does not want to pay the assessment.

Have we not done as much as we can to guarantee a reasonable protection for farmers who do not think program is sound? Rather than tamper with the basic law, which if it is going to be changed should be changed in general legislation, I hope this amendment will be defeated and that the adoption of the gentleman's first amendment will be taken, as full and adequate protection.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, in title III, on page 14, it says the Secretary shall conduct a referendum among producers. That is, as I understand it, individual voting for potatoes. Why do we deny it for dairy products?

Mr. FOLEY. The two are entirely different. One is for a market order under authority which has existed for many years and based on regions of the country and on milk markets. The other is an entirely new program which has its antecedent and precedent in the cotton research and promotion bill. It is national in scope. It does not take funds due to producers, as in the milk program, where pool payments are made to producers, and it provides a new assessment on handlers.

So the two are just in different form, and consequently they are treated differently.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield further?

Mr. FOLEY. I yield further; but, secondly, there are not potato cooperatives of the same character as our milk cooperatives.

Mr. STEIGER of Wisconsin. I understand, but here we are talking about a specific kind of order, a research promotion order. For the life of me, I will say to the gentleman, I do not understand why we cannot allow a relatively simple question to be put to the individual producer. That is all we are talking about. We are not trying to change the basic bloc concept in the law as it is now. It is an individual thing.

Mr. FOLEY. What I fail to understand is why the gentleman is concerned about changing the manner in which the milk marketing orders are conducted, when the gentleman has succeeded in getting an absolute option out for the individual producer. He has taken care of the individual producer's right to sign off the program. If the individual's ability to sign off is guaranteed in a convenient manner, with the least amount of paperwork and with a full refund, without any deduction for bookkeeping, all of which was established in the colloquy between the gentleman and his colleagues, then I believe this amendment is unnecessary and redundant.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Iowa.

Mr. KYL. The gentleman has asked a question which is not a rhetorical question, and I will try to respond to it.

First, I will say to the gentleman that this body agreed, only a few moments ago, that an individual should be entitled to a refund if he so desired.

We are talking about, A, advertising, and this has to be anticipated if it is advertising we are talking about; and, B, we are talking about research, which is usually a long-range program, which must be guaranteed at the beginning.

Unless there is an election to determine the attitude of the people involved there can be no estimate as to the amount of money available for advertising or research, because in the monthly period this can be cut drastically from the first month.

I believe that election is the only way we are going to be able to determine how much money they are going to have available for advertising and for research.

Mr. FOLEY. I might say to the gentleman that there is no way to estimate how much money will be available subsequent to the adoption of the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) because there is no assurance that any producer who votes for this plan will stay with it, or will stay with it for any number of particular payment periods, or for any number of months, or will not change his mind back and forth several times as to whether he wishes to participate in it.

I believe that uncertainty is with us and is endemic in the amendment of the gentleman from Wisconsin (Mr. STEIGER).

Mr. KYL. I believe we should bear in mind that at least one large dairy cooperative has members who voted 85 percent to 15 percent in opposition to this.

Mr. FOLEY. There is no requirement that this authority be implemented, as the gentleman knows. If a milk marketing order is not amended by the producers, or the producers do not participate after adopting it, obviously we will not have a program in that particular milk marketing area. The bill anticipates that.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(By unanimous consent, Mr. FOLEY was allowed to proceed for 1 additional minute.)

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from New York.

Mr. McEWEN. I thank the gentleman. I should like to ask him a question.

Do I correctly understand that under the other titles, other than title I, where there is provided research and promotion for other products, this is accomplished without the structure of a marketing order, or may be accomplished without the structure of a marketing order?

Mr. FOLEY. Only in the case of title III, which provides for potato research and promotion.

Title II would provide similar authority for existing marketing orders to be amended to adapt for advertising and promotion.

The technical reason why they are in two separate titles is that the authority for milk marketing orders is contained in a separate title under the Agricultural Adjustment Act.

Mr. McEWEN. What is being done under title I could be done outside the marketing order?

Mr. FOLEY. Not without special legislation such as title III.

Mr. McEWEN. They could have a title III program for milk?

Mr. FOLEY. Yes.

Mr. McEWEN. Actually what we are doing in title I is not something inherent in or intrinsic to a marketing order. It is a promotional research program in addition to the usual referendums submitted on a milk marketing order.

Mr. FOLEY. The difference is under title I the individual milk marketing orders would have the option to develop such a program or not, as they choose, and we would not necessarily be imposing the national advertising and promotion plan on the entire milk industry. We would be going marketing order by marketing order.

Mr. POAGE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I must express my embarrassment at rising. I want to make sure that no one feels that I am criticizing anybody's action, because I am certainly not. I am just suggesting that there is a misunderstanding somewhere. I had stated when I stood up and accepted the amendment by the gentleman from Wisconsin that I was accepting the amendment that was then read and not some other amendment.

The gentleman presented an amendment which covered the waterfront. I accepted it in good faith and thought that that covered everything he wanted. Now I want it very clear I am not accepting this amendment.

As my colleague from Washington (Mr. FOLEY) has so well explained, we have done in the first amendment all of the effective work that this amendment could do except that this second amendment strikes at an existing program which has been in operation for 30-odd years. Whether it is good or bad—and I recognize that there is much criticism of block voting, and frankly I have felt at times that there was a great deal of question about it—it is certainly one of those questions which deserves real consideration on its own merits and should not be decided simply by coming in here and tying an amendment onto a bill that does not go to that subject at all.

Our committee brought out legislation which left this question of block voting exactly where it has been for more than 20 years. We did not change it. We did not change any block voting or create any new block voting but simply left it alone.

Now the gentleman from Wisconsin, the very State where I had most of the demands for block voting, comes in and says, "I want to destroy block voting." Maybe he is right and maybe we should destroy it. I thought there was a good deal to be said for destroying block voting, but the only practical effect that the gentleman's second amendment can possibly have is to destroy the existing law on block voting. It cannot have any possible effect on the legislation that is presently before us, because his first amendment gave to every individual the right to vote very effectively by simply demanding his money back.

The only thing this bill does is to allow a marketing order for milk to include a checkoff for promotion and development. He has already taken care of and we have already accepted the proposition that every individual who did not like that could veto it simply by writing in and asking for his refund or by following whatever procedure the market order prescribed.

So the amendment cannot have any effect on this legislation. It can and it may have some effect on the very thing which the gentleman from Wisconsin's own people have so long demanded; that is, block voting by these cooperatives.

Again do not misunderstand me. I am not passing on the merits of block voting. I think it is questionable, but I am suggesting that this is no time and no place to try to amend basic law by offering an amendment to provisions that in no wise relate to basic law.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield to me?

Mr. POAGE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding to me.

Let me be very fair. I had two amendments which were available at the desk and circulated. I numbered them 1 and 2, so everybody could know exactly what was intended.

Also let me say to the distinguished chairman of the full Committee on Agriculture that this does not amend the basic law. It solely provides for the individual voting on the marketing order as it relates to research and promotion.

And, I would not be here today, I say to my friend from Texas, attempting to change block voting as it relates to basic marketing, because it is complex and I think there are reasons for block voting. I am not passing judgment on that. I am in this one instance where it seems to me we are taking a deduction from a farmer's check for research and promotion, there is no complexity involved in that issue. It is a clean, simple issue; are you for it or against it?

Do you think it will help you or do you not? For that reason I think there is a case for block voting. I hope the gentleman would not undertake to say that it changes the basic law. I would not support an amendment to change basic block voting.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. POAGE was allowed to proceed for 1 additional minute.)

Mr. POAGE. The gentleman suggests that it does not affect the basic law. It, obviously, does not affect the legislation now before us. It does not affect the substantive right of any individual under the newly proposed legislation. Since it does not affect their rights, it cannot have any effect except as an effort to try to weaken the existing law, which may or may not be good. But I do not think this is the place or the forum to try that case. Let us try that on its own merits, with a full and complete hearing on that issue and decide that issue, rather than trying to simply make a showing here of putting two amendments on where one has already done everything that the proponents of the amendment have asked to be done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) to the committee amendment.

The question was taken; and on a division (demanded by Mr. STEIGER of Wisconsin) there were—ayes 24, noes 35.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 18, strike out "I" and insert in lieu thereof "II" and after the colon insert "OTHER COMMODITIES".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 20, strike out "101" and insert in lieu thereof "201".

The committee amendment was agreed to.

Mr. FOLEY. Mr. Chairman, I ask unanimous consent that the remaining committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The remaining committee amendments are as follows:

Page 4, line 12, delete the words; "TITLE II" and insert in lieu thereof the following: "TITLE III"

Page 4, line 17, delete the words: "SEC. 202." and insert in lieu thereof the following: "SEC. 302."

Page 5, line 24, delete the words: "SEC. 203." and insert in lieu thereof the following: "SEC. 303."

Page 6, line 20, delete the words: "SEC. 204." and insert in lieu thereof the following: "SEC. 304."

Page 7, line 9, delete the words: "SEC. 205." and insert in lieu thereof the following: "SEC. 305."

Page 7, line 19, delete the words: "SEC. 206." and insert in lieu thereof the following: "SEC. 306."

Page 8, line 2, delete the words: "SEC. 207." and insert in lieu thereof the following: "SEC. 307."

Page 8, line 7, delete the words: "SEC. 208." and insert in lieu thereof the following: "SEC. 308."

Page 10, line 17, delete the words: "SEC. 209." and insert in lieu thereof the following: "SEC. 309."

Page 12, line 11, delete the words: "section 208" and insert in lieu thereof the following: "section 308."

Page 13, line 7, delete the words: "SEC. 210." and insert in lieu thereof the following: "SEC. 310."

Page 15, line 12, delete the words: "SEC. 211." and insert in lieu thereof the following: "SEC. 311."

Page 16, line 12, delete the words: "section 212" and insert in lieu thereof the following: "section 312."

Page 16, line 15, delete the words: "SEC. 212." and insert in lieu thereof the following: "SEC. 312."

Page 17, line 2, delete the words: "SEC. 213." and insert in lieu thereof the following: "SEC. 313."

Page 19, line 2, delete the words: "SEC. 214." and insert in lieu thereof the following: "SEC. 314."

Page 19, line 20, delete the words: "paragraph 210" and insert in lieu thereof the following: "paragraph 310."

Page 19, line 22, delete the words: "SEC. 215." and insert in lieu thereof the following: "SEC. 315."

Page 20, line 14, delete the words: "SEC. 216." and insert in lieu thereof the following: "SEC. 315."

Page 20, line 17, delete the words: "SEC. 217." and insert in lieu thereof the following: "SEC. 317."

Page 20, line 23, delete the words: "SEC. 218." and insert in lieu thereof the following: "SEC. 318."

Page 21, line 7, delete the words: "SEC. 219." and insert in lieu thereof the following: "SEC. 319."

Page 21, line 9, delete the words: "TITLE III" and insert in lieu thereof the following: "TITLE IV."

Page 21, line 11, delete the words: "SEC. 301." and insert in lieu thereof the following: "SEC. 401."

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. SISK

Mr. SISK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Sisk: On page 21, line 16, section 401 of title IV of H.R. 18884 is amended by inserting after the word "olives", the words "(other than Spanish-style green olives)."

Mr. SISK. Mr. Chairman, the purpose of this amendment is to except Spanish-style green olives from the import requirements of section 8e which this bill makes applicable to olive imports generally. Historically, imports of Spanish-style green olives have supplied approximately 95 percent of U.S. consumption of this product. Only very small quantities of Spanish-style green olives are produced in the United States, and they are not currently the subject of marketing order requirements as to size, grade, quality, or maturity such as would be imposed upon imports by section 8e. The purposes of this bill would not be furthered by making imports of this style of olive subject to the requirements of section 8e.

By inserting the words "other than Spanish-style green olives" the intent is to exclude such olives from the import requirements of section 8e. The term "Spanish-style green olives" means those olives which are referred to in section 932.9(b) of the olive marketing order currently in effect (7 CFR sec. 932.9(b)) as "green olives"; namely "olives, packed in brine, and which have been fermented and cured, otherwise known as 'green olives.'"

The intent is that imports of all other olives be subject to the requirements of section 8e. These include particularly the olives referred to as "natural condition olives" as defined in section 932.8 of the marketing order (7 CFR sec. 932.8) and the "canned ripe olives" referred to in section 932.9(a), including the three distinct types, "ripe," "green ripe," and "tree ripened." In the exception, the word "Spanish-style" prior to the words "green olives" is included in order to distinguish "Spanish-style green olives," which would be excepted from the import requirements of section 8e, from "green ripe" olives, which are to be subject to the import requirements of section 8e.

I would therefore hope that the amendment would be adopted.

Mrs. MAY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I should like to draw to the attention of my colleagues that the ranking minority member of the Committee on Agriculture, the gentleman from Oklahoma (Mr. BELCHER), and also our minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), received today or within the last few days a letter from the Department of State signed by Mr. David M. Abshire, Assistant Secretary for Congressional Relations, a letter which addressed itself to the inclusion of Spanish olives in this bill, and pointed out several objections from their viewpoint.

At the proper time later I shall ask for the inclusion of the entire letter in my remarks, but for now I should like to read just briefly from Mr. Abshire's letter, representing the Department of State, in which he points out that half of the olives consumed in the United States each year are imported, and more than 90 percent of these imports come from Spain.

They are an integral part of a much larger mutually beneficial exchange of goods which takes place between the United States and Spain each year. In 1969, for example, United States exports to Spain were valued at \$580 million, exceeding our imports from that country by \$276 million. Soybeans, our principal export to Spain, were valued at nearly \$75 million.

Further along in the letter Mr. Abshire pointed out that there are other important considerations as well in that:

The pending legislation poses a danger to the present atmosphere of cordiality and cooperation in United States-Spanish relations.

And on August 6, 1970, I should like to remind this body that the U.S. Government entered into an agreement of friendship and cooperation with the Government of Spain.

For these and other reasons, as pointed out by Mr. Abshire, representing the

Department of State, I urge my colleagues to join me and others in supporting the amendment offered by the gentleman from California (Mr. SISK).

The letter referred to follows:

DEPARTMENT OF STATE,
Washington, D.C.

HON. PAGE BELCHER,
House of Representatives.

DEAR CONGRESSMAN BELCHER: I would like to draw your attention to H.R. 18884, a bill recently reported out of the House Committee on Agriculture, and, more specifically, to the fourth title of the bill which would impose new trade barriers on United States imports of olives, raisins and prunes. The Department of State is opposed to the provisions of this title. The Department's letter to the Chairman of the House Committee on Agriculture on this subject has been reproduced in the report accompanying H.R. 18884.

Half of the olives consumed in the United States each year are imported; more than 90 percent of these imports come from Spain. They are an integral part of a much larger mutually beneficial exchange of goods which takes place between the United States and Spain each year. In 1969, for example, United States exports to Spain were valued at \$580 million, exceeding our imports from that country by \$276 million. Soybeans, our principal export to Spain, were valued at nearly \$75 million. If we were to impose restrictions on olive imports, depriving Spain of the means for paying for its purchases of soybeans and other American products, it might compel the Spanish Government to review its policy of importing from the United States.

There are other important considerations as well. The pending legislation poses a danger to the present atmosphere of cordiality and cooperation in United States-Spanish relations. On August 6, 1970, the United States Government entered into an Agreement of Friendship and Cooperation with the Government of Spain. This Agreement, which replaces the Defense Agreement of 1953, as extended, initiated a new partnership between the United States and Spain. The Agreement, which provides for a five year extension of United States base rights in Spain, calls for both countries to seek to avoid measures that affect restrictions on the flow of trade.

The Spanish Government has made a series of representations against the proposed legislation in Washington and pointed out that domestically produced olives are not directly comparable with olives imported from Spain, that during the last round of negotiations the United States agreed not to increase the existing duties on imports of olives from Spain in return for concessions granted by the Spanish Government, and that any decision on the part of the United States Government to limit, by whatever means, imports of olives from Spain would be regarded as an unfair measure against established trade and a violation of an international trade agreement. Most recently, the Spanish Foreign Minister, addressing the Spanish-American Chamber of Commerce in New York, emphasized the Spanish Government's deep concern over the pending legislation, declaring it would not be consistent with the Agreement of Friendship and Cooperation between the United States and Spain.

The trade value is smaller in the cases of raisins and prunes, but the impact of putting such trade restrictions into effect would also be unfavorable in Turkey, the Republic of China and certain other countries.

I am sending an identical letter to Congressman Ford.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional
Relations.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the distinguished gentleman from California (Mr. SISK) how we can differentiate between Spanish-type olives, which his amendment does, and still leave in raisins and prunes. What is the justification for the differentiation?

Mr. SISK. If the gentleman will yield, of course the problem in connection with prunes as with raisins is that there are different kinds of problems and, yet, basically we seek to require the same standards of quality and purity and so on in connection with the imports in this area that our own producers are required to meet.

In connection with olives, because of the fact that practically all of what is referred to as Spanish style green olives are imported olives, at the present time it was simply felt that it would be best not to bring them under the order in view of the Spanish Government's opposition and concern which the Department of State, which as the gentleman knows has raised.

Therefore, to exempt them from the order. As I said, in view of the fact that a representative of the Spanish Olive Association was asked to join in the writing of this, it is our understanding and I am sure I am correct, that it does remove any objection that they have to the legislation.

I am not sure if I am responding to the gentleman's question—maybe I am not.

Mr. GERALD R. FORD. I understand the statement made by the gentleman from California. It does explain as far as Spanish-type olives are concerned why they are taking this action by this amendment. But I still do not get a basic rationalization as to why we take this action for Spanish-type olives and no comparable action so far as raisins and prunes are concerned.

Mr. SISK. In connection with raisins, of course, that is something of which there has been very little imports—in fact no importation that I know of, until quite recently.

There has been some experimental importations from certain areas of the world, and I think generally from Africa possibly and from some other points and only in very small quantities.

Also, I would say the same thing generally I think would be true of prunes. However, my colleague from California (Mr. GUBSER) is far better informed on prunes, I must say to my friend, the gentleman from Michigan, and raisins are grown in my area. Prunes are grown mostly over in the area of the gentleman from California (Mr. GUBSER).

But it simply is felt, in view of the fact that we do produce an ample supply of raisins and, in fact, we export a substantial quantity of raisins, we simply wanted to set, let us say, the rules of the game this early in the game, and simply say to any country that might in the future be desirous of importing into this country that they would be expected to meet the same quality and purity standards that our own growers are now required to meet under the Department of

Agriculture and the Food and Drug Administration requirements.

Mr. GERALD R. FORD. Is the gentleman saying that imported Spanish-type olives do meet these standards and that raisins and prunes that are imported do not meet these standards?

Mr. SISK. No; I am not specifically speaking to that question. The point is in connection with the Spanish-style olives—green olives, and I am going to stay with the Spanish-style green olives because there is a difference in green and ripe olives, as I am sure my friend knows, we do not have an order covering those. We have no marketing order covering those. They are not at the present time and will not be affected whether they were in the act or not. Whereas, of course, in connection with raisins and prunes and so on, we do have marketing orders and they are operating under marketing orders.

Mr. GERALD R. FORD. Mr. Chairman, I yield back the balance of my time.

Mr. GROSS. Mr. Chairman, I move to strike out the next to last word.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I am not at all surprised that it is easy to enter into an agreement with the Spanish Government with respect to the importation of a few olives. We have dumped hundreds of millions of dollars into Spain, so I find nothing surprising about this olive deal.

What I really arose to address myself to was this potato promotion and research program. Why is it limited to Irish potatoes? Does anyone not eat sweet potatoes—and, if not, why not?

Mr. FOLEY. I really cannot claim to be an expert on sweet versus Irish potatoes, despite my family name. I do think the reason that this bill is limited to Irish potatoes is that the potato producers as a group favor the Irish-type potato, and the producers that are organized favor asking for this kind of assistance, and we are in turn letting them develop their own promotion and research programs. The producers of yams, the sweet potatoes, and other such vegetable products, are not requesting such a promotional program, and consequently that is the reason they are excluded.

Mr. GROSS. Is the gentleman saying that only the Irish are interested in this legislation?

Mr. FOLEY. The Irish are always interested in the welfare of the potato.

Mr. GROSS. And they are also, I take it, interested in the National Potato Promotion Board, which seems to be set up to dispense these funds; is that correct?

Mr. FOLEY. Yes, sir.

Mr. GROSS. What is the National Potato Promotion Board?

Mr. FOLEY. Under the act, the producers of more than 5 acres of potatoes would vote in a referendum whether to establish a program, part of which would be the creation of a national potato promotion board. If they approved of such a program, the Secretary of Agriculture would establish such a board from the nominations for memberships submitted by the producers. The Board would then

have the responsibility of administering the funds which would be collected by handlers against the amounts owing to producers and not more than 1 cent per hundredweight.

Mr. GROSS. Are the taxpayers of the entire country going to support this national potato promotion board?

Mr. FOLEY. Members of the board would not receive any salary. They would be entitled to receive their expenses, which would be paid out of funds collected from the producers and not from the taxpayers. There would be an estimated cost to the Department of Agriculture for its supervisory responsibility over the program, but in that respect it is no different from supervision of existing marketing orders. It all comes out of the producers. It is money which they, themselves, contribute through assessments.

Mr. GROSS. Are the members of the potato promotion board elected on the basis of bloc voting?

Mr. FOLEY. No, sir; they are not elected at all. They are appointed by the Secretary on nominations from the producers. He appoints the board.

Mr. GROSS. Going back to the olives, does this bill have the approval of the State Department, which I am told, uses a considerable quantity of olives in the martinis that are served in Department headquarters over in Foggy Bottom?

Mr. FOLEY. On that question I cannot help the gentleman.

Mr. GROSS. I thank the gentleman.

Mr. FINDLEY. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. FINDLEY. The amendment offered by the gentleman from California, as I understand it, applies only to Spanish-style green olives which, according to comments made earlier, would have the effect of exempting about 95 percent of the olives that are affected by this title. The question I would raise is, What is the reaction of the producers of the non-Spanish style, nongreen olives? Admittedly, percentagewise, they are rather small compared to the Spanish-style green olives. But we ought to take into consideration the reaction of the producers of such olives. Can the gentleman tell us what that reaction is?

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I would like to correct what I understood to be a misstatement. I am sure the gentleman did not intend to make any misstatement, but what we are dealing with in connection with the Spanish-style green olives is 95 percent of the Spanish-style green olives consumed in this country are imported from Spain into this country. We are not talking about 95 percent of all olives.

Mr. FINDLEY. But what about the Spanish-style olives not imported from Spain? What does that 5 percent have to say on this particular amendment offered by the gentleman?

Mr. SISK. On this amendment, and we have had a number of days to discuss

this and talk it out with the Spanish Growers' Association. I am sure the gentleman knows most of the olives grown in this country are grown in California, and I represent a district where many of them are grown. The gentleman from California (Mr. MATHIAS) also has some in his district, and there are some in other districts in California.

We have been assured that they are happy to accept this amendment. After all, these various olive producers and growers in this country as well as in Spain and other countries do work cooperatively together in this country and in markets and areas of markets and so on. They are agreeable to this particular amendment, which will clarify any misunderstanding or controversy between the Spanish olive growers and the American growers.

Mr. FINDLEY. Can the gentleman tell me whether or not this amendment was considered in the committee?

Can he tell me whether there was any testimony about the amendment? And, if there was not any consideration, why not?

Mr. SISK. The only testimony in connection with this in the committee was testimony by representatives of the Spanish Olive Association raising questions in this country about the possible effects on Spain and on the trade between the two countries. As a result of that testimony—and I might say, that was the only testimony offered in opposition to any part of this title—we have been working since that time on an amendment to try to work out an agreement, and work with the State Department and the olive industry and representatives of the Spanish people, in an effort to solve this in a way which would solve, of course, the problem of the State Department, where they felt they had a problem. As the result of this, I think the gentleman knows this amendment has been passed around, and it has general concurrence of the committee.

Mr. FINDLEY. May I ask anyone on the committee as to the position of the administration on this bill. Is the administration in favor of the bill as it was taken up today?

Mr. FOLEY. Mr. Chairman, if the gentleman will yield, in answer to that question, the bill as presented to the committee is a four-title bill. The administration through various departments reported on each section of this bill. The Department of Agriculture affirmatively reported, with suggested modifications, on the milk program. They reported affirmatively on the general legislation in answer to questions in committee hearings to establish general jurisdiction. They reported affirmatively on the potato research and promotion bill. The Department of Agriculture, however, did not report on title IV dealing with prunes, raisins, and olives.

The Department of State reported adversely at first, particularly stressing, however, the objections raised by the Spanish Government with respect to imports of Spanish-style olives, citing among other things a concern as to whether we had entered into a tentative

agreement with Spain because of the Kennedy round negotiations not to raise tariffs against olives.

Mr. Chairman, I think all of these matters have been resolved by the amendment offered by the gentleman from California.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. FINDLEY was allowed to proceed for 2 additional minutes.)

Mr. FINDLEY. Mr. Chairman, I ask for this time to make this observation. The committee has already accepted an amendment dealing with a refund, dealing with checkoff against producers. We have had a long discussion about the propriety of establishing a new set of rules for setting a procedure for a referendum which would establish the checkoff. The distinguished chairman of the Committee on Agriculture argued this was a very important, far-reaching concept that had not been thoroughly explored at this time, and the committee did vote against that amendment.

We have had a prolonged discussion of an amendment which was not considered in the committee, which seems to have far-reaching foreign policy implications. My conclusion is that the committee would be wise to recommit the bill to the Committee on Agriculture for further consideration.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

I take this time to respond to the comment made by the gentleman from Illinois, because I believe there is an implication that this amendment raises, as he said, "foreign policy considerations of far-reaching consequence." Actually, it removes foreign policy considerations that have been posed against the bill. It removes the objection of the Spanish Government. It largely removes the objection of the Department of State, and thus it is an amendment to eliminate any question any Member might have about the concern of the Spanish Government or of the State Department insofar as it expresses concern on behalf of the Spanish Government.

I do not believe there is any reason to suggest we are creating additional problems by the amendment, for we are resolving problems.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from California.

Mr. TEAGUE of California. I should like to repeat a point I made earlier in the afternoon when there were fewer Members on the floor. It is simply this: It is beyond my understanding how any Member who voted for the omnibus farm bill, which I did not, can be opposed to this bill. This is basically a self-help series of programs costing from \$300,000 to perhaps as much as \$1 million, compared to almost \$4 billion in the other program. I urge all Members who are in doubt, who did vote for the omnibus farm bill, certainly to vote for this measure.

Mr. FOLEY. I thank the gentleman. I concur in his statement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SISK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I have one remaining amendment, which I offer.

The Clerk read as follows:

Amendment offered by Mr. FOLEY: Page 4, line 8, strike out the words "Provided further, That the inclusion in a Fed-" and strike out all of lines 9, 10, and 11 and insert in lieu thereof the following: "Provided further, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt, or supersede any such provisions in any State program covering the same commodity."

Mr. FOLEY. Mr. Chairman, I believe the reading of the amendment is explanatory.

The purpose of this amendment is to insure that no State program would be preempted or otherwise prevented in its operation by the adoption of any of the titles of this act. It is a saving clause to insure the continued integrity of State commodity programs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. FOLEY).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. PRICE of Illinois) having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18884) to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes, pursuant to House Resolution 1246, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GOODLING. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOODLING moves to recommit H.R. 18884 to the Committee on Agriculture.

Mr. FOLEY. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. FINDLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 130, nays 187, not voting 117, as follows:

[Roll No. 371]

YEAS—130

Anderson, Ill.	Glaimo	Podell
Arends	Gibbons	Poff
Baring	Goodling	Quillen
Beall, Md.	Gross	Railsback
Belcher	Grover	Reid, Ill.
Betts	Gude	Reid, N.Y.
Biester	Hall	Riegle
Bingham	Harsha	Robison
Brock	Harvey	Rodino
Broomfield	Hastings	Roe
Brown, Mich.	Hawkins	Rooney, N.Y.
Brown, Ohio	Hechler, W. Va.	Rosenthal
Broyhill, Va.	Helstoski	Roudebush
Buchanan	Hogan	Ruppe
Burke, Fla.	Hunt	Ryan
Burton, Utah	Hutchinson	Sandman
Byrnes, Wis.	Jarman	Satterfield
Camp	Keith	Schadeberg
Carter	Koch	Scherle
Cederberg	Kyl	Scheuer
Chamberlain	Landgrebe	Schmitz
Clawson, Del.	Latta	Schneebell
Cohelan	Long, Md.	Schwengel
Collier	McClory	Scott
Conable	McDade	Smith, Calif.
Corbett	McDonald, Mich.	Springer
Coughlin	McEwen	Stanton
Cowger	Marsh	Steele
Crane	Martin	Steiger, Ariz.
Daniel, Va.	Mayne	Stokes
Daniels, N.J.	Michel	Stratton
Davis, Wis.	Miller, Ohio	Vander Jagt
Dellenback	Minish	Vanik
Denney	Minshall	Wampler
Derwinski	Mize	Ware
Devine	Mizell	Whalen
Duncan	Monagan	Whitehurst
Dwyer	Morton	Widnall
Edwards, Ala.	Mosher	Winn
Erlenborn	Nelsen	Wolff
Findley	Oettinger	Wyllie
Ford, Gerald R.	Pettis	Yates
Forsythe	Pike	Zion
Fulton, Pa.		

NAYS—187

Abernethy	Burleson, Tex.	Evins, Tenn.
Albert	Burlison, Mo.	Feighan
Anderson, Calif.	Bush	Fisher
Anderson, Tenn.	Byrne, Pa.	Flowers
Andrews, Ala.	Caffery	Foley
Andrews, N. Dak.	Carey	Ford,
Annunzio	Carney	William D.
Ashley	Casey	Fountain
Ayres	Chappell	Fraser
Barrett	Clark	Frey
Bell, Calif.	Collins, Ill.	Friedel
Bennett	Colmer	Fuqua
Bevill	Conte	Galifianakis
Blanton	Conyers	Gaydos
Boggs	Corman	Gonzalez
Bow	Culver	Gray
Brademas	Davis, Ga.	Green, Pa.
Brinkley	Dingell	Griffin
Brooks	Dorn	Griffiths
Brotzman	Downing	Gubser
Brown, Calif.	Dulski	Hagan
Broyhill, N.C.	Eckhardt	Haley
Burke, Mass.	Edwards, Calif.	Halpern
	Edwards, La.	Hamilton
	Eilberg	Hammer-
	Evans, Colo.	schmidt

Hanley	Meeds	Ruth
Hansen, Idaho	Melcher	Sisk
Hansen, Wash.	Mikva	Skubitz
Hathaway	Miller, Calif.	Slack
Hays	Mills	Smith, N.Y.
Henderson	Mink	Snyder
Hicks	Mollohan	Stafford
Holifield	Montgomery	Staggers
Horton	Moorhead	Steed
Hull	Morgan	Steiger, Wis.
Hungate	Morse	Stubblefield
Ichord	Moss	Stuckey
Jacobs	Murphy, Ill.	Sullivan
Johnson, Calif.	Myers	Symington
Jonas	Natcher	Taft
Jones, Ala.	Nichols	Talcott
Jones, N.C.	Nix	Taylor
Jones, Tenn.	Obey	Teague, Calif.
Karath	Olsen	Teague, Tex.
Kastenmeier	O'Neal, Ga.	Thompson, Ga.
Kee	O'Neill, Mass.	Thompson, N.J.
Kleppe	Passman	Thomson, Wis.
Kluczynski	Patman	Tiernan
Kuykendall	Patten	Udall
Kyros	Pelly	Ullman
Lennon	Pepper	Van Deerlin
Lloyd	Perkins	Vigorito
McCloskey	Pickle	Waggonner
McClure	Poage	Watts
McCulloch	Price, Ill.	White
McFall	Pryor, Ark.	Whitten
McMillan	Pucinski	Wiggins
Macdonald, Mass.	Randall	Williams
Mahon	Rarick	Yatron
Mann	Rhodes	Young
Mathias	Roberts	Zablocki
Matsunaga	Rogers, Colo.	Zwach
May	Rogers, Fla.	
	Rooney, Pa.	

NOT VOTING—117

Abbitt	Fallon	O'Konski
Adair	Farbstein	Philbin
Adams	Fascell	Pirnie
Addabbo	Fish	Pollock
Alexander	Flood	Powell
Ashbrook	Flynt	Preyer, N.C.
Aspinall	Foreman	Price, Tex.
Berry	Frelinghuysen	Purcell
Biaggi	Fulton, Tenn.	Quie
Blackburn	Gallagher	Rees
Blatnik	Garmatz	Reifel
Boland	Gettys	Reuss
Bolling	Gilbert	Rivers
Brasco	Goldwater	Rostenkowski
Bray	Green, Oreg.	Roth
Burton, Calif.	Hanna	Rousselot
Button	Harrington	Roybal
Cabell	Hébert	St Germain
Celler	Heckler, Mass.	Saylor
Chisholm	Hosmer	Sebelius
Clancy	Howard	Shipley
Clausen, Don H.	Johnson, Pa.	Shriver
Clay	Kazen	Sikes
Cleveland	King	Smith, Iowa
Collins, Tex.	Landrum	Stephens
Cramer	Langen	Tunney
Cunningham	Leggett	Waldie
Daddario	Long, La.	Watson
de la Garza	Lowenstein	Weicker
Delaney	Lujan	Whalley
Dennis	Lukens	Wilson, Bob
Dent	McCarthy	Wilson,
Dickinson	McKneally	Charles H.
Diggs	MacGregor	Wold
Donohue	Madden	Wright
Dowdy	Mailliard	Wyatt
Edmondson	Meskill	Wydler
Esch	Murphy, N.Y.	Wyman
Eshleman	Nedzi	
	O'Hara	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Celler for, with Mr. Abbitt against.
 Mr. Brasco for, with Mr. Philbin against.
 Mr. Nedzi for, with Mr. Edmondson against.
 Mr. O'Hara for, with Mr. Donohue against.
 Mr. Dent for, with Mr. Reuss against.
 Mr. Biaggi for, with Mr. Fulton of Tennessee against.
 Mr. Addabbo for, with Mr. Flynt against.
 Mr. Roybal for, with Mr. Gettys against.
 Mr. St Germain for, with Mr. Hébert against.
 Mr. Gilbert for, with Mr. Long of Louisiana against.
 Mr. Howard for, with Mr. Landrum against.

Mrs. Chisholm for, with Mrs. Green of Oregon against.

Mr. Clay for, with Mr. Leggett against.
Mr. Diggs for, with Mr. Murphy of New York against.

Mr. Powell for, with Mr. Daddario against.
Mr. Farbsteln for, with Mr. Garmatz against.

Mr. Gallagher for, with Mr. Rivers against.
Mr. Harrington for, with Mr. Qule against.
Mr. Lowenstein for, with Mr. Fallon against.

Mr. McCarthy for, with Mr. Stephens against.

Mr. King for, with Mr. Kazen against.
Mr. Frelinghuysen for, with Mr. Alexander against.

Mr. Madden for, with Mr. Adams against.
Mr. Shipley for, with Mr. Aspinall against.
Mr. Delaney for, with Mr. Cabell against.

Until further notice:

Mr. Boland with Mr. Bray.
Mr. Preyer of North Carolina with Mr. Clancy.

Mr. Purcell with Mr. Don H. Clausen.
Mr. Fascell with Mr. Button.
Mr. Flood with Mr. Cunningham.
Mr. Hanna with Mr. Goldwater.
Mr. Sikes with Mr. Dennis.
Mr. Rostenkowski with Mrs. Heckler of Massachusetts.

Mr. Smith of Iowa with Mr. Cleveland.
Mr. Dowdy with Mr. Dickinson.
Mr. de la Garza with Mr. Collins of Texas.
Mr. Burton of California with Mr. Hosmer.
Mr. Blatnik with Mr. Esch.
Mr. Tunney with Mr. Flsh.
Mr. Waldie with Mr. Bob Wilson.
Mr. Rees with Mr. Johnson of Pennsylvania.

Mr. Charles H. Wilson with Mr. Eshleman.
Mr. Wright with Mr. Wyman.
Mr. Adair with Mr. Lujan.
Mr. Ashbrook with Mr. McKneally.
Mr. Berry with Mr. Meskill.
Mr. Blackburn with Mr. MacGregor.
Mr. Cramer with Mr. Maillard.
Mr. Foreman with Mr. Lukens.
Mr. O'Konski with Mr. Parnle.
Mr. Pollock with Mr. Roth.
Mr. Reifel with Mr. Saylor.
Mr. Price of Texas with Mr. Rousselot.
Mr. Sebelius with Mr. Weicker.
Mr. Watson with Mr. Wold.
Mr. Shriver with Mr. Wyatt.
Mr. Whalley with Mr. Wylder.

Messrs. TEAGUE of Texas and MIK-VA changed their votes from "yea" to "nay."

Messrs. LONG of Maryland and REID of New York changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR POTATO AND TOMATO PROMOTION PROGRAMS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from the further consideration of the bill (S. 1181) to provide for potato and tomato promotion programs, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1181

An act to provide for potato and tomato promotion programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of \$561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 3. As used in this title:

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 4. To effectuate the declared policy of this title, the Secretary shall, subject to

the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARING

SEC. 5. When sufficient evidence is presented to the Secretary by potato producers or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 6. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 7. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 8. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent

per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a) (4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 9. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however*, That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further*, That such promotional activities shall comply with the provisions of section 8(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising and promotion in years when the production and assessment income may be reduced: *Provided*, That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 10. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such a plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for collection of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the

Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 11. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 12(a) of this title.

ENFORCEMENT

SEC. 12. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than \$100 or more than \$1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 13. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents;

and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpoena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 14. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph (10)(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 15. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 16. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 17. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 18. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 19. This title shall take effect upon enactment.

TITLE II—TOMATO ADVERTISING PROJECTS

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or avocados" in the proviso, and inserting in lieu thereof "avocados, or tomatoes".

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOLEY: Strike all after the enacting clause of S. 1181 and insert in lieu thereof the provisions of H.R. 18884 as passed, as follows:

TITLE I—ADVERTISING PROJECTS: MILK

SEC. 101. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

"(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research as required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order un-

less such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order. Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

TITLE II—ADVERTISING PROJECTS: OTHER COMMODITIES

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended to read as follows:

"Establishing or providing for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to those commodities specified in section 8c(2) of this Act, such projects may provide for any form of marketing promotion including paid advertising: *Provided further*, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt or supersede any such provisions in any State program covering the same commodity."

TITLE III—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 302. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of \$561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continu-

ous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 303. As used in this title:

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 304. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 305. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 306. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 307. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 308. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board, as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a) (4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producers paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost there-

of with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 309. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however*, That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further*, That such promotional activities shall comply with the provisions of section 308(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising, and promotion in years when the production and assessment income may be reduced: *Provided*, That the total reserve fund does not exceed the amount budget for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 310. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference

in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for payment of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 311. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such rulings is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 312(a) of this title.

ENFORCEMENT

SEC. 312. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violat-

ing, any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than \$100 nor more than \$1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 313. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpoena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 314. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in

such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 310(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 315. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 316. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 317. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 318. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 319. This title shall take effect upon enactment.

TITLE IV—RESTRICTIONS ON IMPORTED COMMODITIES

SEC. 401. Section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between "tomatoes" and "avocados," the following: "raisins, olives (other than Spanish-style green olives), prunes".

Amend the title so as to read: "An Act to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8c of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes."

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read:

"A bill to amend section 8c(6) (I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 18884) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 1403. Joint resolution to provide an additional temporary extension of the Federal Housing Administration's insurance authority.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2224) entitled "An act to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes."

RECENT FIRINGS AT THE DEPARTMENT OF THE INTERIOR

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Speaker, it comes as a shocking event to the Nation to see six men peremptorily discharged from the Department of the Interior.

It is, of course, quite understandable that heads sometimes roll for wholly political reasons, but it is very seldom that subsequent to such changes respected civil servants who are professional rather than politically appointed are also removed. One must always suspect that there is some attempt peremptorily to step a program then in progress. I speak particularly of persons whom I know and whose backgrounds in this field I am acquainted with, such as Dr. Leslie Glasgow, Assistant Secretary

for Fish, Wildlife, Parks, and Marine Resources.

Dr. Glasgow was not a friend of the Secretary when he was appointed. I doubt that he had even met him. However, he is a first-class environmentalist. He is former executive director of the Louisiana Game and Fish Commission, and a former professor at Louisiana State University.

He is knowledgeable in the field of marine life. When he went into the office both my friend and colleague, the gentleman from Texas (Mr. BUSH), a Republican, and I, as a Democrat, recommended Dr. Glasgow for the post. This was a non-partisan recommendation and appointment. To peremptorily discharge such a man is highly partisan and most reprehensible, and one cannot fail to see some possible relationship between certain contemporary events.

On November 13 it was announced that Humble Oil Co. was charged with failing to install safety devices on its oil wells in the Gulf.

On November 20 the Justice Department brought similar charges against three other major oil firms: Shell Oil Co., Continental Oil Co., and Union Oil of California.

These charges came several months after Chevron Oil was fined \$1 million for failure to install storm chokes, which caused a blowout that spilled millions of gallons of oil in the Gulf.

And then on November 25 President Nixon fired Secretary Hickel.

Had it not been for the sweeping out of secondary officers, pure professionals, I should not have raised this question, but the removal of those who might carry out an existing program, because facts—not politics—make the program desirable, does raise serious questions as to the basic cause of these discharges.

LETTERS TO CONGRESSMEN NOT ALWAYS DOMINATED BY CRITICS AND COMPLAINERS

(Mr. TALCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, the false suggestion that letters to Congressmen are dominated by the critics and complainers is given too much currency.

I do not know Robert E. Bullock of the U.S. Coast Guard, but a recent letter from him to me is too good for me to keep to myself.

Mr. Bullock's letter is direct and sincere and I believe worth sharing. I insert a copy at this point in the RECORD:

FOXTROT COMPANY 77,
USCG TRASUPCEN,
GOVERNMENT ISLAND, ALEMEDA, CALIF.,
October 31, 1970.

Congressman BURT L. TALCOTT,
House of Representatives,
Washington, D.C.

DEAR MR. TALCOTT: Being a person from the district you represent, I thought I might drop you a line.

I'm a young fellow who graduated this year from high school. I received a letter from you a while back; thank you. Also I would like to say I'm in the service now, the Coast Guard to be exact. I went in for reasons

far too numerous to explain at this time. However, I would like to say that the Coast Guard is one of the finest outfits in the United States. I was a bit mixed up about life, but the Guard is helping me to walk the right path.

By now you are probably wondering why I am writing you this letter. Well, it's this: I, as an American, would like to voice my feelings. I'm part of the silent majority, one of the people who sits back and worries, but does nothing about it. This is changing more every day now. Now I feel I belong to something really worthwhile. This is the Coast Guard. In my opinion it is one of America's first and finest military organizations. It is one in which lives are saved, not taken. Most young people have a mistaken idea of this. They believe that the Guard acts in the same manner as the Navy or other armed forces. You and I know this is false. If I had one wish, I'd wish that more facts on what the Guard does were presented to the young men of high school and college age. Maybe it could well quell some dissent, and help some young men find the right road in life to travel. I have several more weeks of training to complete, then I'll go into the field to do my part in saving lives.

Now I think I've said enough. However, I know life still holds more in store for me and all other young people. Life is still a mystery (but the clouds are beginning to clear). If you can refer other young men to the Coast Guard I think it would help in ways uncountable. I don't believe in war, such as the one in Vietnam. I do, however, believe in the war with saving lives. We in the Guard are always ready; we have to go out, but we don't have to come back.

Boot camp is tough, but this is what makes good Guardsmen. I'm proud to serve, proud to wear the uniform of the Guard. I'm just plain proud of my country as one Nation under God.

If you can give me any advice that may help me later on I would appreciate it. Also any words of wisdom I could pass on to the other men. In closing, I'd like to say, keep up your good work, we need it.

Sincerely,

ROBERT E. BULLOCK 390-197SR.

The SPEAKER. Under a previous order of the House the gentleman from Arkansas (Mr. PRYOR) is recognized for 60 minutes.

[Mr. PRYOR of Arkansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

WORK IS STILL ESSENTIAL

(Mr. POAGE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. POAGE. Mr. Speaker, I have just received one of the clearest and best explanations of the dangers of our policy of extending aid to everyone who wants to accept aid that I have ever read. The letter is from a schoolteacher who points to some of the grievous effects of our gifts of money to schoolchildren. She discusses the matter from a practical and a personal viewpoint. She points out the injustice of what we are doing to the children and the way we are breaking down all self-respect and ambition. She says that there is evidence that "working for a living is becoming unpopular and in many cases unnecessary."

We all know this is true and we all know that our country can no more exist

on free bread and circuses than could the Roman Empire. No great civilization was ever built on leisure and laziness. Great civilizations and great nations have always depended on hard work. When we take away the incentive for work we undermine the strength of our Government and the very basis of our civilization.

Nor would we deny any needy citizen help who cannot work because of infirmity or inability to find work, but when we provide for those who will not work as generously as we do for those who do work we have moved completely away from the free enterprise to the socialistic concept.

I commend the letter which follows to the reading of everyone who is interested in the future of our great land:

MARLIN, TEX.,
November 23, 1970.

Hon. BOB POAGE,
House of Representatives,
Washington, D.C.

DEAR MR. POAGE: Change is inevitable and I'll be the first to admit that many changes which have taken place in our country have been beneficial to me. From reading that I've done, I've been convinced that America is the most advanced nation in the world. I also believe that our country achieved its greatness partly because our people are free to pursue their desired occupations. However, one change now well underway seems to me to be undermining and, in fact, killing this desire to advance our nation by working for oneself. To be more specific, I see evidence now that working for a living is becoming unpopular and in many cases, unnecessary.

I am a schoolteacher. I was informed recently that free lunches in our school will soon be funded by the Department of Agriculture. My class is economically deprived and at present nearly half the class is on free lunch or part pay lunch funded by the Federal Title I program. Along with lunch assistance, we also give free pencils, paper and other supplies. It has become a joke among the faculty that as soon as we have one government program familiarized we are introduced to a replacement for it. It is no laughing matter, but has been used as ironical humor that some of the teachers in our system who have children can now qualify for free lunches for their school age children. Teaching school is no way to get rich, but when you are eligible for government paid lunches after accepting a position that requires four years of professional training then something is wrong. Either the government is giving too much too easily or the cost of living makes living on almost any salary impossible or too much of our money is being taken in taxes and then being returned to some of us who can qualify.

Helping the poor is a noble work which I feel we need. What concerns me is the "give, give, give" which destroys pride and eventually becomes expected instead of accepted. When you are informed that you cannot ask a child to pick up a napkin off the cafeteria floor if he is on free or part pay lunch because it would be discriminating against him by, in a sense, making him work for his lunch I feel there is injustice there. In other words, those children who pay their way do the work. Also, a child who pays not a cent for lunch cannot be denied the privilege of buying popcorn or snowcone while on the playground. It seems to me that this money, by all that is right, should be applied to the lunch, but once again this would discriminate by pointing out those who cannot buy snowcones or popcorn. This is unfair. The truth is the children who are paying for their

lunches are quite often the ones who cannot then afford these extras. Why should being poor be considered shameful?

Hippies, Yuppies, and other such radicals have been highly criticized by me. The long hair, filth, dope and such repulse me. I'm the kind the government must love. I never buck anything the establishment does. I vote in every election. More and more of my salary is taken for taxes and even though I gripe I usually pass it off with "Well, it is happening to everybody else." You know, for the first time in my life I am beginning to understand the radical who wants to change the establishment, even though I disapprove their methods.

What makes it so bad is, I don't even know who is responsible. To whom do I direct my feelings? Does it do any good? Certainly I'm not the first to become upset with the present state of affairs. What has become of other letters? Are they really given any attention? I know that my trite statements are no news. Anybody can gripe, but what about solutions?

Don't give so much so easily. Too many able-bodied people are overpopulating the country and being paid to do so with money taken from people like myself. Anyone in Washington cannot possibly know how the funds that are passed out are being used. As for me it would probably be less expensive for me to feed the poverty stricken in my room myself than to pay for the lunches plus the salaries of those who decide who receive the free and part pay lunches.

I love this country. I do not consider myself a highly prejudiced person. I love the children in my classroom and do not blame them for being poor or for taking advantage of "hand-outs". I hate to see them, so young, being striped of pride and not even realizing that you are supposed to earn your own way. I am worried about socialism. I was brought up to believe that the free enterprise system was superior to other forms of government. The saying "Those who don't work, don't eat" is strong medicine and certainly subject to exceptions, but it would certainly relieve a lot of pressure currently upon those who do work.

Sincerely yours,

ANITA TATE.

PANAMA CANAL: CONTINUED U.S. SOVEREIGN CONTROL

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, following a recent 10-day visit in the United States, Revolutionary President Demetria B. Lakas of Panama reported in a message to the people of that country, his great pleasure over President Nixon's expression of willingness to resume diplomatic negotiations, pertaining to the status of the U.S. Canal Zone territory. This, together with the fact that the report of the investigation by the Atlantic-Pacific Interoceanic Canal Study Commission is due on December 1, 1970, presents a grave situation that must be met by the Congress.

In this connection, I call special attention to the fact that the recommendation for a sea level canal in the forthcoming report, depends upon surrender to Panama of the U.S. sovereignty over the Canal Zone. Accordingly, my most distinguished and scholarly colleague from Pennsylvania, Mr. DAN FLOOD, and I addressed a joint letter on November 17, 1970, to all Members of the House, with

copies to all Members of the Senate. It urges early adoption by the House of pending identical resolutions opposing any surrender of the Canal Zone territory and emphasizes that the House must participate in any disposal of U.S. territory or property, as set forth in the Constitution.

In order that this letter may be known to the Nation at large, I quote it as part of my remarks:

The Washington Post of October 31, 1970, in its "Around the World" column, reports that revolutionary President Lakes of Panama, in a message to the people of that country following his recent talks with President Nixon, stated that the United States is prepared to negotiate a new canal treaty with Panama.

Following an effort by the United States Government to reopen negotiations on the basis of three proposed 1967 treaties that were never signed because of strong opposition in both countries, the Foreign Minister of Panama, in a note on August 5, 1970, formally notified the United States Government that the 1967 draft treaties are "no longer considered a satisfactory basis for negotiations."

Those proposed treaties, negotiated without the authorization of Congress, would:

- (1) cede U.S. sovereignty over the Canal to Panama;
- (2) make that weak and unstable republic a partner in the management and defense of the Canal;
- (3) increase the annuity to Panama;
- (4) raise transit tolls; and
- (5) eventually give to Panama without any compensation whatever both the existing Canal and any new one in Panama that may be constructed at the expense of our overburdened taxpayers.

Evidently, the reason for the refusal of the revolutionary government of Panama to accept the 1967 proposed treaties as basis for renewed negotiations was, and is, the fact that the proposed treaties would not remove United States protection forces from the Isthmus as was done by the British Government in the case of the Suez Canal, thus permitting a Soviet takeover.

The chief negotiator for the 1967 treaty proposals was Ambassador Robert B. Anderson. His associates in the formulation and negotiation of them included John N. Irwin II, recently appointed Under Secretary of State, and Robert M. Sayre, now United States Ambassador to Panama. A fourth official involved is Daniel W. Hofgren, a young White House staff member with no diplomatic or Panama Canal experience, who is now the principal negotiating assistant to Ambassador Anderson. There could not be a more perfect setup for surrender at Panama with complete loss to the United States of the strategic Panama Canal and its ultimate takeover by Soviet power just as occurred in Cuba and at the Suez Canal.

Under Article IV, Section 3, Clause 2, of the United States Constitution, the House must join the Senate in the disposal of territory or other property of the United States—a course that in the past has been observed by the Executive power.

Hence the House of Representatives has an imperative reason to express itself in the premises. With that objective in view, some 116 members of the House have sponsored 28 identical resolutions in the present Congress opposing any surrender at Panama. The House sub-committee on Inter-American Affairs during the period of July 8 to August 3, 1970, held intensive hearings on "Cuba and the Caribbean", including consideration of the indicated Panama Canal sovereignty resolutions, but a report thereon has not yet been made.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 3, 1970
91st-2nd; No. 116

CONTENTS

ACP.....8	Highway beautification..6	Peanut Acreage Allotments...7
Adjournment.....5	Housing & urban	Potatoes & tomatoes...7,12,13
Animals.....3	development.....4	Research & promotion
Animal welfare.....3	Dislocation assistance..3	programs for milk.....7
Appropriations.....6	Manpower.....13	River basins.....3
Bills Reported.....2	Milk.....3	Rivers, harbors &
Civilian employment...10	NACOA.....3	flood control.....2,3
...s.....2	National Environmental	Secretary Richardson.....9
Family assistance.....9	Data Bank.....3	Supplemental Appropriations.6
Farm prices.....1	Nutrition.....11	Water bank.....7
Food stamps.....11	Peanuts.....3,14	Wildlife habitat.....7

HIGHLIGHTS: House committee reported egg products inspection bill.
Rep. Melcher criticized "the administration's deliberate lower farm price policies."
Rep. Mahon included current release on civilian personnel report.
Senate committee reported Water Bank bill; bill authorizing milk, tomato, and potato promotion; and bill amending peanut marketing quota provisions.
Sen. Packwood lauded ACP achievements and noted need to eliminate agriculture-related pollution.

HOUSE

1. FARM PRICES. Rep. Melcher warned "we are rushing toward an economic crisis in agriculture" as "the administration's deliberate lower farm price policies drive prices and the parity ratio down to the levels of the great depression of the thirties." pp. H11120-1

2. ~~BILLS REPORTED.~~

~~Committee on Agriculture reported, with amendments, H.R. 19888, providing for the inspection of certain egg products (H. Rept. 91-1670). p. H11145~~

~~Committee on Public Works reported, with amendment, H.R. 19877, an omnibus rivers, harbors, and flood control bill (H. Rept. 91-1665). p. H11145~~

~~Committee on Post Office and Civil Service filed a report "Improved Manpower Management in the Federal Government" (H. Rept. 91-1657). p. H11145~~

3. ~~LEGISLATIVE PROGRAM. The following bills will be among those considered Monday, Dec. 7, on the Consent Calendar:~~

~~H.R. 19877, omnibus rivers, harbors, and flood control bill;~~

~~H.R. 19846, proposed Animal Welfare Act of 1970;~~

~~H.R. 17582, to amend peanut marketing quota provisions;~~

~~S. 1079, Susquehanna River Basin Compact;~~

~~S. 1, equitable land acquisition and dislocation assistance policies;~~

~~H.R. 15188, penalty for shooting at certain animals from an aircraft;~~

~~H.R. 17436, to provide for a National Environmental Data Bank;~~

~~H.R. 19576, to establish the National Advisory Committee on the Oceans and Atmosphere. pp. H11118-9~~

4. ~~HOUSING AND URBAN DEVELOPMENT. Passed H.R. 19436 after adopting, in addition to other amendments, an amendment that extends the log export amendment for 2 additional years. pp. H11088-1111~~

5. ~~ADJOURNED until Monday, Dec. 7. p. H11145~~

SENATE

6. ~~APPROPRIATIONS; SUPPLEMENTAL APPROPRIATIONS. Passed H.R. 17755, FY 1971 appropriations for the Department of Transportation, adopting all committee amendments, and two additional amendments eliminating funds for the SST program and deleting obligational authority restriction on highway beautification. pp. S19327-95~~

~~Received Proposed Supplemental Appropriations for the FY Ending June 30, 1971, from the President (S. Doc. No. 91-114); to Committee on Appropriations. pp. S19283-4~~

7. ~~WATER BANK; PEANUT ACREAGE ALLOTMENTS; RESEARCH & PROMOTION PROGRAMS FOR MILK, POTATOES AND TOMATOES. Committee on Agriculture and Forestry reported without amendment the following bills:~~

~~H.R. 15770, to preserve and improve wildlife habitat and water conservation, (S. Rept. 91-1393);~~

~~S. 4560, establishing a research and promotion program for milk, potatoes and tomatoes (S. Rept. 91-1400); and~~

~~S. 4561, establishing permanent authority for the sale and transfer of peanut acreage allotments (S. Rept. 91-1401). p. S19284~~



MILK, TOMATO, AND POTATO PROMOTION

 DECEMBER 3, 1970.—Ordered to be printed

Mr. YOUNG of North Dakota, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 4560]

The Committee on Agriculture and Forestry reported an original bill (S. 4560) to provide authority for promotion programs for milk, tomatoes, and potatoes, and recommends that the bill do pass.

EXPLANATION

On October 16, 1969, the Senate passed S. 1181 providing authority for potato and tomato promotion programs. On November 30, 1970, the House of Representatives passed S. 1181 with an amendment in the nature of a substitute providing authority for promotion programs for milk, potatoes, and all other commodities for which marketing orders are authorized by section 8c(2) of the Agricultural Adjustment Act (of 1933). The original bill reported herewith provides for a milk promotion program as provided for by the House amendment to S. 1181, a tomato advertising program as provided for by S. 1181 as passed by the Senate, and a potato promotion program as provided for by both the Senate and House versions of S. 1181. It does not include the provisions of the House amendment which would have provided for paid advertising programs for commodities other than milk, tomatoes, and potatoes, nor does it include the provisions of the House amendment which would have extended the restrictions on imported commodities of section 8e of the Agricultural Adjustment Act (of 1933) to raisins, prunes, and certain olives.

It is anticipated that after the Senate has had an opportunity to study the bill reported herewith, a move will be made to lay the message from the House on S. 1181 before the Senate and concur in the amendment of the House with an amendment substituting the text of the bill reported herewith.

Title I of the bill reported herewith is identical to title I of the House amendment to S. 1181, except that "as required" has been changed to "is required" in the third sentence of the proposed new subparagraph (I).

Title II of the bill reported herewith is identical to title II of S. 1181 as passed by the Senate, except that (1) the word "apples" has been substituted for the word "avocados" to take into account the enactment of Public Law 91-363 on July 31, 1970; and (2) the word "first" has been inserted before the word "proviso" to take into account the enactment of Public Law 91-292 on June 25, 1970, which added a second proviso. Title II of the House amendment, in completely amending section 8c(6)(I) of the Agricultural Adjustment Act (of 1933) to provide for paid advertising promotion for all commodities subject to marketing orders, would inadvertently repeal a provision relating to almonds which was enacted by Public Law 91-522 on November 25, 1970.

Title III of the bill reported herewith is identical to title III of the House amendment to S. 1181, except for the following clerical changes:

(1) In the last paragraph of section 302 the word "of" has been inserted after "carrying out".

(2) In section 310(a) "difference" has been changed to "differences".

(3) In section 310(c)(1) "an person" has been changed to "any person".

COST

It is estimated that Federal costs under title I (milk) would be \$200,000 for each of the first 2 years, somewhat less thereafter. The cost under title II (tomatoes) is estimated by the Department of Agriculture to be little, if any. Initiation of a plan under title III (potatoes) is estimated to cost from \$180,000 to \$325,000 depending upon whether suitable mailing lists can be obtained so that the referendum can be held by mail rather than by the use of polling places.

DEPARTMENTAL VIEWS

Attached are reports from the Department of Agriculture favoring enactment of the various titles of this bill.

DEPARTMENT OF AGRICULTURE,
Washington, August 7, 1969.

HON. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your request for a report on H.R. 10710, a bill to amend the Agricultural Marketing Agreement Act of 1937, as amended, to provide authorization for the establishment of advertising, sales promotion, educational, and research programs, including marketing research and development, financed by deductions from payments due producers delivering milk to handlers regulated by Federal milk orders.

The Department supports enactment of H.R. 10710. We would suggest minor modifications, including accommodation of refunds to producers under certain circumstances.

The programs authorized by H.R. 10710 would be financed by deductions from funds owed to producers under the order. Deductions could be made directly from the total pool value of all producer milk. An equitable adjustment could be made in areas where a mandatory checkoff from dairy farmers for advertising and research is required by State law.

Funds would be paid to an agency organized by milk producers and associations of producers. This agency could employ persons and organizations for research and promotional programs designed to promote marketing and the domestic consumption of milk and milk products.

Provisions authorizing producer deductions would not become effective unless separately approved by producers in the same manner provided for the approval of orders. Disapproval of the producer deduction provisions would not be considered disapproval of the order, and such provisions could be terminated separately from other order provisions.

In recent years, an increasing number of dairy farmer cooperatives have expressed their support for this type of legislation. The threat of filled and imitation milk in fluid milk markets throughout the Nation has stimulated interest for increased promotion, advertising, and research.

H.R. 10710 would constitute enabling legislation and its implementation in a Federal milk order would require a public hearing as well as producer approval. Thus, a forum will be provided for a careful and thorough review of all the problems which might be associated with the adoption of a promotion program in an individual milk marketing area. It is important that any such program contain provisions which will be fair, equitable, efficient, and fruitful.

Projects carried out under the program would be subject to approval and continuing review by the Secretary to insure compliance with the statute and to protect the public interest.

We suggest that the bill be modified to provide that adjustments for mandatory checkoffs required by State law be allowed only if it is determined that deductions were actually made and used for purposes comparable with the purposes authorized under the bill. 

We recommend also that the bill be modified by adding the following after the last sentence of the bill: "Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

The additional costs that may result from enactment of the legislation would be related to conducting public hearings and general administration of the programs. For each of the first 2 years we would anticipate additional annual costs of about \$200,000. Thereafter, costs would be somewhat less. For the most part, additional costs would be associated with amending existing order provisions to authorize producer deductions for research and promotional programs.

Although H.R. 10710 does not mention the source of funds for administration, there is a bill (H.R. 13193) proposed by the Depart-

ment which is before the Congress, which would permit the Department to recover costs of administration through user fees.

In view of the time situation, we have not obtained from the Bureau of the Budget advice regarding the relationship of the proposed legislation to the administration's program.

Sincerely,

CLIFFORD M. HARDIN, *Secretary.*

JANUARY 20, 1970.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in response to your request of April 21, 1969, for a report on S. 1862, a bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended. This proposal would authorize marketing promotion including paid advertising under marketing orders applicable to tomatoes.

The Department recommends that this bill be passed.

Many industry groups believe that market promotion including advertising will not only strengthen their position in the marketplace but also will increase the demand for their commodity. Further, they believe they must advertise in order to hold the present space devoted to their product in the retail stores. The Agricultural Marketing Agreement Act currently authorizes marketing promotion as well as advertising projects for a number of horticultural commodities. The Department supports the extension of the promotion mechanism to tomatoes as contemplated by S. 1862.

There are currently two Federal marketing agreement and order programs in effect for tomatoes, one for tomatoes grown in Florida and the other for tomatoes grown in the Lower Rio Grande Valley in Texas. If this bill were enacted into law these groups would be able to take advantage of advertising programs.

The expense of such projects would be paid from funds collected pursuant to the marketing order. It is expected that little, if any, additional cost to the Department would result from the enactment of the proposed bill. However, should any additional cost result, it would be absorbed within existing appropriations with respect to these programs.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

RICHARD LYNG, *Acting Secretary.*

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 18, 1969.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your request of March 3 for a report on S. 1181. The purpose of the bill is to enable potato

growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes.

The Department has no objection to this bill but suggests some modifications.

The bill provides for authority to establish a plan to collect assessments on potatoes produced in the 48 contiguous States of the United States. Producers with less than 5 acres will be exempt from assessments. The assessments will be used for promotion of potatoes including paid advertising. In addition, assessments can be used for research and development projects. The costs incurred by the potato industry in administering the program will also be paid from assessments. Prior approval by the Secretary of Agriculture for all projects and expenditures is provided for as a safeguard against improper use of funds.

The bill provides for a maximum assessment rate of 1 cent per hundredweight. Handlers are responsible for payment of the assessments, and they may deduct them from their settlement with the producers. Producers will be able to obtain a refund on the assessments paid by them, if they request it in the time and manner prescribed. The bill provides that hearings with respect to a proposed plan be held when requested by potato producers. A favorable referendum vote, by two-thirds of the potato producers voting in such referendum, or two-thirds of their production and not less than a majority of those voting, is required to approve any plan issued pursuant to this bill. If such a plan is favored by producers, a board will be appointed by the Secretary of Agriculture from industry nominations of eligible producers. Such board will administer the plan under the supervision of the Secretary of Agriculture.

Provisions in this bill are similar to those in Public Law 89-502 (80 Stat. 279) enacted by the 89th Congress, and cited as the "Cotton Research and Promotion Act." Promulgation and referendum proceedings for any plan issued pursuant to this bill are similar to those in marketing orders authorized by the Agricultural Marketing Agreement Act of 1937, as amended. Administrative provisions are also similar to those in marketing orders. There are no provisions for quality control or compulsory inspection in this bill.

The potato producers have been confronted, in recent years, with increased competition from other products marketed as easily prepared convenience foods. Some of these products are promoted on a national basis. Potato producers have not been able to effectively match this competition because production and marketing of potatoes is performed by numerous individual farmers in every State in the United States. This has made it difficult for them to finance and carry out adequate research and promotion projects to maintain a competitive position in the markets. This bill would give potato producers authority to help themselves by financing such projects.

Several potato-producing areas have State orders or commissions to promote potatoes produced in their specific areas. This bill is intended to supplement these existing programs with a nationally coordinated program.

The Department recommends the following modifications of this bill:

(1) In section 2, page 1, line 6 (findings and declaration of policy),

it is recommended that the findings, as contained in the national potato research and promotion bill in the 90th Congress (S. 2862 dated January 23, 1968, predecessor to this bill), be added as a part of section 2 of this bill. The addition would make clear that the legislation is intended to exercise the full sweep of the Federal commerce powers. It would also facilitate administration and enforcement as proof would not be required in each action for enforcement that the potatoes involved were in interstate commerce or directly burdened, obstructed, or affected interstate commerce in potatoes or potato products.

In the event the findings are not added, section 4 should be modified to indicate the intention to exercise the full sweep of the Federal commerce powers. In section 4, page 3, line 25 (authority to issue a plan), add to the end of the sentence the following: "and as are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes or potato products".

(2) In subsection 3(d), page 2, line 20-22 (definitions), revise the term "handler" to read as follows:

"(d) The term "handler" means any person (except a common or contract carrier or potatoes owned by another person) who handle potatoes in a manner specified in a plan issued pursuant to this Act or in the rules and regulations issued thereunder."

(3) In section 3, page 2, beginning on line 23, delete subsection (c)—the definition of "handle"—and renumber the remaining definitions.

(4) In subsection 10(a), page 9 (assessments), revise the language beginning on line 25 and continuing through the word "potatoes," in line 3 on page 10, to read as follows:

"SEC. 10. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes;"

Also in subsection 10(a), add a sentence at the end to read as follows: "To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes."

The changes in (2) and (3) are recommended in the interest of providing a greater degree of flexibility in designating the various activities that will make a person a "handler." The change in (4) will provide flexibility in designating the "handler" responsible for payment of assessments to, as well as the manner and method of collection of assessments by, the board. These changes follow similar provisions in the Cotton Research and Promotion Act and are desirable in the light of our experience under that act.

(5) In section 6, page 4, line 16 (finding and issuance of a plan), delete "or modifications", as being unnecessary and confusing inasmuch as the Secretary must find that all the terms and conditions contained in the plan as issued will tend to effectuate the declared policy of the act.

(6) In subsection 9(c), page 9, lines 11 and 12 (permissive terms in plans), modify "research and development or advertising and promotion" to read "research, development, advertising and promotion". This change will make the quoted modification conform to other specifications of such activities elsewhere in the act.

(7) In subsection 12(b) (enforcement), delete the word "willfully" in two places on page 13, lines 6 and 8. "Willfully" is an undesirable term because it is difficult to prove and would result in administrative and enforcement difficulties.

Also in subsection 12(b), page 13, line 10, delete the words "liable to a penalty of not" and substitute in lieu thereof the words "fined not less than \$100 or"; and delete the balance of the paragraph following the word "offense" in line 11. This change substitutes terminology generally associated with criminal prosecution in place of language relating to civil action. Additionally, specific authorization for civil action to collect unpaid assessments is unnecessary as subsection 12(a) provides the district courts with adequate authority to enforce collection.

We believe the enactment of this bill would result in a cost of \$325,000 to conduct promulgation proceedings, a referendum and related items to initiate a plan if it is necessary to conduct the referendum by the use of polling places in each county. However, if the proponents of a plan are able to provide suitable mailing lists of potato producers eligible to vote so that the referendum can be conducted by mail, this would reduce total costs to initiate a plan to \$180,000. Additionally, the Department's annual cost for administration is estimated to be \$80,000.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

AGRICULTURAL ADJUSTMENT ACT OF 1933

* * * * *

ORDERS

SEC. 8c. (1) The Secretary of Agriculture shall, subject to the provisions of this section, issue, and from time to time amend, orders applicable to processors, associations of producers, and others in the handling of any agricultural commodity or product thereof specified in subsection (2) of this section. Such persons are referred to in this title as "handlers." Such orders shall regulate, in the manner hereinafter in this section provided, only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof.

* * * * *

TERMS—MILK AND ITS PRODUCTS

(5) In the case of milk and its products, orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)) no others:

* * * * *

(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research is required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16) (B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order. Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order.

TERMS—OTHER COMMODITIES

(6) In the case of the agricultural commodities and the products thereof, other than milk and its products, specified in subsection (2) orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)), no others:

* * * * *

(I) Establishing or providing for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to orders applicable to almonds, cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, avocados, **[or]** apples, or tomatoes such projects may provide for any form of marketing promotion including paid advertising and with respect to almonds may provide for crediting the pro rata expense assessment obligations of a handler with all or any portion of his direct expenditures for such marketing promotion including paid advertising as may be authorized by the order: *Provided further*, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt or supersede research provisions in any State program covering the same commodity.



Calendar No. 1407

91ST CONGRESS
2^D SESSION

S. 4560

[Report No. 91-1400]

IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 1970

Mr. YOUNG of North Dakota, from the Committee on Agriculture and Forestry, reported the following bill; which was read twice and ordered to be placed on the calendar

A BILL

To provide authority for promotion programs for milk, tomatoes, and potatoes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—ADVERTISING PROJECTS: MILK**

4 **SEC. 101.** The Agricultural Adjustment Act, as reen-
5 acted and amended by the Agricultural Marketing Agreement
6 Act of 1937, as amended, is further amended, by adding
7 at the end of subsection 8c (5) the following new subpara-
8 graph (I) :

9 “(I) Establishing or providing for the establishment
10 of research and development projects, and advertising (ex-
11 cluding brand advertising), sales promotion, educational,

1 and other programs, designed to improve or promote the
2 domestic marketing and consumption of milk and its prod-
3 ucts, to be financed by producers in a manner and at a rate
4 specified in the order, on all producer milk under the order.
5 Producer contributions under this subparagraph may be
6 deducted from funds due producers in computing total pool
7 value or otherwise computing total funds due producers and
8 such deductions shall be in addition to the adjustments author-
9 ized by subparagraph (B) of subsection 8c(5). Provi-
10 sion may be made in the order to exempt, or allow suitable
11 adjustments or credits in connection with, milk on which a
12 mandatory checkoff for advertising or marketing research is
13 required under the authority of any State law. Such funds
14 shall be paid to an agency organized by milk producers and
15 producers' cooperative associations in such form and with
16 such methods of operation as shall be specified in the order.
17 Such agency may expend such funds for any of the purposes
18 authorized by this subparagraph and may designate, employ,
19 and allocate funds to persons and organizations engaged in
20 such programs which meet the standards and qualifications
21 specified in the order. All funds collected under this sub-
22 paragraph shall be separately accounted for and shall be
23 used only for the purposes for which they were collected.
24 Programs authorized by this subparagraph may be either
25 local or national in scope, or both, as provided in the order,

1 but shall not be international. Order provisions under this
2 subparagraph shall not become effective in any marketing
3 order unless such provisions are approved by producers
4 separately from other order provisions, in the same manner
5 provided for the approval of marketing orders, and may be
6 terminated separately whenever the Secretary makes a deter-
7 mination with respect to such provisions as is provided for
8 the termination of an order in subsection 8c (16) (B). Dis-
9 approval or termination of such order provisions shall not
10 be considered disapproval of the order or of other terms of
11 the order. Notwithstanding any other provision of this Act,
12 as amended, any producer against whose marketings any
13 assessment is withheld or collected under the authority of this
14 subparagraph, and who is not in favor of supporting the re-
15 search and promotion programs, as provided for herein, shall
16 have the right to demand and receive a refund of such assess-
17 ment pursuant to the terms and conditions specified in the
18 order.”

19 TITLE II—TOMATO ADVERTISING PROJECTS

20 SEC. 201. Section 8c (6) (I) of the Agricultural Ad-
21 justment Act, as amended, and as reenacted and amended
22 by the Agricultural Marketing Agreement Act of 1937,
23 as amended, is amended by striking out “or apples” in the
24 first proviso, and inserting in lieu thereof “apples, or
25 tomatoes”.

1 TITLE III—POTATO RESEARCH AND
2 PROMOTION

3 This title may be cited as the “Potato Research and Pro-
4 motion Act”.

5 FINDINGS AND DECLARATION OF POLICY

6 SEC. 302. Potatoes are a basic food in the United States.
7 They are produced by many individual potato growers in
8 every State in the United States. In 1966, there were one
9 million four hundred and ninety-seven thousand acres of
10 cropland in the United States devoted to the production of
11 potatoes. Approximately two hundred and seventy-five mil-
12 lion hundredweight of potatoes have been produced annually
13 during the past five years with an estimated sales value to
14 the potato producers of \$561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato mar-
kets and the development of new or improved markets are
vital to the welfare of potato growers and those concerned

1 with marketing, using, and processing potatoes as well as the
2 general economic welfare of the Nation.

3 Therefore, it is the declared policy of the Congress and
4 the purpose of this title that it is essential in the public
5 interest, through the exercise of the powers provided herein,
6 to authorize the establishment of an orderly procedure for
7 the financing, through adequate assessments on all potatoes
8 harvested in the United States for commercial use, and the
9 carrying out of an effective and continuous coordinated pro-
10 gram of research, development, advertising, and promotion
11 designed to strengthen potatoes' competitive position, and to
12 maintain and expand domestic and foreign markets for pota-
13 toes produced in the United States.

14 DEFINITIONS

15 SEC. 303. As used in this title:

16 (a) The term "Secretary" means the Secretary of
17 Agriculture.

18 (b) The term "person" means any individual, partner-
19 ship, corporation, association, or other entity.

20 (c) The term "potatoes" means all varieties of Irish
21 potatoes grown by producers in the forty-eight contiguous
22 States of the United States.

23 (d) The term "handler" means any person (except a
24 common or contract carrier of potatoes owned by another

1 person) who handles potatoes in a manner specified in a plan
2 issued pursuant to this title or in the rules and regulations
3 issued thereunder.

4 (e) The term "producer" means any person engaged in
5 the growing of five or more acres of potatoes.

6 (f) The term "promotion" means any action taken by
7 the National Potato Promotion Board, pursuant to this title,
8 to present a favorable image for potatoes to the public with
9 the express intent of improving their competitive positions
10 and stimulating sales of potatoes and shall include, but shall
11 not be limited to, paid advertising.

12 AUTHORITY TO ISSUE A PLAN

13 SEC. 304. To effectuate the declared policy of this title,
14 the Secretary shall, subject to the provisions of this title,
15 issue and from time to time amend, orders applicable to per-
16 sons engaged in the handling of potatoes (hereinafter re-
17 ferred to as handlers) and shall have authority to issue orders
18 authorizing the collection of assessments on potatoes handled
19 under the provisions of this title, and to authorize the use
20 of such funds to provide research, development, advertising,
21 and promotion of potatoes in a manner prescribed in this
22 title. Any order issued by the Secretary under this title shall
23 hereinafter in this title be referred to as a "plan". Any such
24 plan shall be applicable to potatoes produced in the forty-
25 eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 305. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 306. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 307. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 308. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary

1 of a National Potato Promotion Board (hereinafter referred
2 to as "the board") and for defining its powers and duties,
3 which shall include powers—

4 (1) to administer such plan in accordance with its
5 terms and conditions;

6 (2) to make rules and regulations to effectuate the
7 terms and conditions of such plan;

8 (3) to receive, investigate, and report to the Sec-
9 retary complaints of violations of such plan; and

10 (4) to recommend to the Secretary amendments to
11 such plan.

12 (b) Providing that the board shall be composed of
13 representatives of producers selected by the Secretary from
14 nominations made by producers in such manner as may be
15 prescribed by the Secretary. In the event producers fail to
16 select nominees for appointment to the board, the Secretary
17 shall appoint producers on the basis of representation pro-
18 vided for in such plan.

19 (c) Providing that board members shall serve without
20 compensation, but shall be reimbursed for reasonable ex-
21 penses incurred in performing their duties as members of the
22 board.

23 (d) Providing that the board shall prepare and submit
24 to the Secretary for his approval a budget, on a fiscal period
25 basis, of its anticipated expenses and disbursements in the

1 administration of the plan, including probable costs of re-
2 search, development, advertising, and promotion.

3 (e) Providing that the board shall recommend to the
4 Secretary and the Secretary shall fix the assessment rate
5 required for such costs as may be incurred pursuant to sub-
6 section (d) of this section; but in no event shall the assess-
7 ment rate exceed 1 cent per one hundred pounds of potatoes
8 handled.

9 (f) Providing that—

10 (1) funds collected by the board shall be used for
11 research, development, advertising, or promotion of
12 potatoes and potato products and such other expenses
13 for the administration, maintenance, and functioning of
14 the board, as may be authorized by the Secretary;

15 (2) no advertising or sales promotion program shall
16 make any reference to private brand names or use false
17 or unwarranted claims in behalf of potatoes or their
18 products or false or unwarranted statements with respect
19 to the attributes or use of any competing products; and

20 (3) no funds collected by the board shall in any
21 manner be used for the purpose of influencing govern-
22 mental policy or action, except as provided by subsection

23 (a) (4) of this section.

24 (g) Providing that, notwithstanding any other pro-

visions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

1 (j) Providing that the board shall maintain books and
2 records and prepare and submit to the Secretary such reports
3 from time to time as may be prescribed for appropriate
4 accounting with respect to the receipt and disbursement of
5 funds entrusted to it and cause a complete audit report to
6 be submitted to the Secretary at the end of each fiscal period.

7 PERMISSIVE TERMS IN PLANS

8 SEC. 309. Any plan issued pursuant to this title may
9 contain one or more of the following terms and conditions:
10 (a) Providing authority to exempt from the provisions
11 of the plan potatoes used for nonfood uses, and authority for
12 the board to require satisfactory safeguards against improper
13 use of such exemptions.

14 (b) Providing for authority to designate different han-
15 dler payment and reporting schedules to recognize dif-
16 ferences in marketing practices and procedures utilized in
17 different production areas.

18 (c) Providing for the establishment, issuance, effectua-
19 tion, and administration of appropriate programs or projects
20 for the advertising and sales promotion of potatoes and
21 potato products and for the disbursement of necessary funds
22 for such purposes: *Provided, however,* That any such pro-
23 gram or project shall be directed toward increasing the
24 general demand for potatoes and potato products: *And pro-*

1 *vided further*, That such promotional activities shall comply
2 with the provisions of section 308 (f) of this title.

3 (d) Providing for establishing and carrying on research
4 and development projects and studies to the end that the
5 marketing and utilization of potatoes may be encouraged,
6 expanded, improved, or made more efficient, and for the
7 disbursement of necessary funds for such purposes.

8 (e) Providing for authority to accumulate reserve funds
9 from assessments collected pursuant to this title, to permit
10 an effective and continuous coordinated program of research,
11 development, advertising, and promotion in years when the
12 production and assessment income may be reduced: *Pro-*
13 *vided*, That the total reserve fund does not exceed the amount
14 budgeted for two years' operation.

15 (f) Providing for authority to use funds collected herein,
16 with the approval of the Secretary, for the development and
17 expansion of potato and potato product sales in foreign
18 markets.

19 (g) Terms and conditions incidental to and not incon-
20 sistent with the terms and conditions specified in this title
21 and necessary to effectuate the other provisions of such plan.

22 ASSESSMENTS

23 SEC. 310. (a) Each handler designated by the board,
24 pursuant to regulations issued under the plan, to make pay-
25 ment of assessments shall be responsible for payment to

1 the board, as it may direct, of any assessment levied on
2 potatoes; and such handler may collect from any producer
3 or deduct from the proceeds paid to any producer, on whose
4 potatoes such assessment is made, any such assessment re-
5 quired to be paid by such handler. Such handler shall main-
6 tain a separate record with respect to each producer for
7 whom potatoes were handled, and such records shall indicate
8 the total quantity of potatoes handled by him including those
9 handled for producers and for himself, shall indicate the total
10 quantity of potatoes handled by him which are included
11 under the terms of a plan as well as those which are exempt
12 under such plan, and shall indicate such other information
13 as may be prescribed by the board. To facilitate the collec-
14 tion and payment of such assessments, the board may desig-
15 nate different handlers or classes of handlers to recognize
16 differences in marketing practices or procedures utilized in
17 any State or area. No more than one such assessment shall
18 be made on any potatoes.

19 (b) Handlers responsible for payment of assessments
20 under subsection (a) of this section shall maintain and make
21 available for inspection by the Secretary such books and
22 records as required by the plan and file reports at the times,
23 in the manner, and having the content prescribed by the
24 plan, to the end that information and data shall be made
25 available to the board and to the Secretary which is appro-

1 priate or necessary to the effectuation, administration, or
2 enforcement of this title or of any plan or regulation issued
3 pursuant to this title.

4 (c) All information obtained pursuant to subsections
5 (a) and (b) of this section shall be kept confidential by all
6 officers and employees of the Department of Agriculture and
7 of the board, and only such information so furnished or
8 acquired as the Secretary deems relevant shall be disclosed
9 by them, and then only in a suit or administrative hearing
10 brought at the direction, or upon the request, of the Secre-
11 tary, or to which he or any officer of the United States is a
12 party, and involving the plan with reference to which the
13 information to be disclosed was furnished or acquired. Noth-
14 ing in this section shall be deemed to prohibit—

15 (1) the issuance of general statements based upon
16 the reports of a number of handlers subject to a plan
17 if such statements do not identify the information fur-
18 nished by any person, or

19 (2) the publication by direction of the Secretary
20 of the name of any person violating any plan together
21 with a statement of the particular provisions of the plan
22 violated by such person.

23 Any such officer or employee violating the provisions of this
24 subsection shall upon conviction be subject to a fine of not

1 more than \$1,000 or imprisonment for not more than one
2 year, or both, and shall be removed from office.

3 PETITION AND REVIEW

4 SEC. 311. (a) Any person subject to a plan may file
5 a written petition with the Secretary, stating that such plan
6 or any provision of such plan or any obligation imposed
7 in connection therewith is not in accordance with law and
8 praying for a modification thereof or to be exempted there-
9 from. He shall thereupon be given an opportunity for a hear-
10 ing upon such petition, in accordance with regulations made
11 by the Secretary. After such hearing, the Secretary shall
12 make a ruling upon the prayer of such petition which shall
13 be final, if in accordance with law.

14 (b) The district courts of the United States in any
15 district in which such person is an inhabitant, or has his
16 principal place of business, are hereby vested with juris-
17 diction to review such ruling: *Provided*, That a complaint
18 for that purpose is filed within twenty days from the date
19 of the entry of such ruling. Service of process in such pro-
20 ceedings may be had upon the Secretary by delivering to him
21 a copy of the complaint. If the court determines that such
22 ruling is not in accordance with law, it shall remand such
23 proceedings to the Secretary with directions either (1) to
24 make such ruling as the court shall determine to be in accord-

1 ance with law, or (2) to take such further proceedings as, in
2 its opinion, the law requires. The pendency of proceedings
3 instituted pursuant to subsection (a) of this section shall not
4 impede, hinder, or delay the United States or the Secretary
5 from obtaining relief pursuant to section 312 (a) of this title.

6 ENFORCEMENT

7 SEC. 312. (a) The several district courts of the United
8 States are vested with jurisdiction specifically to enforce, and
9 to prevent and restrain any person from violating, any plan
10 or regulation made or issued pursuant to this title.

11 (b) Any handler who violates any provisions of any
12 plan issued by the Secretary under this title, or who fails or
13 refuses to remit any assessment or fee duly required of him
14 thereunder shall be subject to criminal prosecution and shall
15 be fined not less than \$100 nor more than \$1,000 for each
16 such offense.

17 INVESTIGATION AND POWER TO SUBPENA

18 SEC. 313. (a) The Secretary may make such investi-
19 gations as he deems necessary for the effective carrying out
20 of his responsibilities under this title or to determine whether
21 a handler or any other person has engaged or is engaging
22 in any acts or practices which constitute a violation of any
23 provision of this title, or of any plan, or rule or regulation
24 issued under this title. For the purpose of any such investi-
25 gation, the Secretary is empowered to administer oaths and

1 affirmations, subpoena witnesses, compel their attendance, take
2 evidence, and require the production of any books, papers,
3 and documents which are relevant to the inquiry. Such at-
4 tendance of witnesses and the production of any such records
5 may be required from any place in the United States. In
6 case of contumacy by, or refusal to obey a subpoena issued
7 to, any person, including a handler, the Secretary may invoke
8 the aid of any court of the United States within the juris-
9 diction of which such investigation or proceeding is carried
10 on, or where such person resides or carries on business,
11 in requiring the attendance and testimony of witnesses and
12 the production of books, papers, and documents; and such
13 court may issue an order requiring such person to appear
14 before the Secretary, there to produce records, if so ordered,
15 or to give testimony touching the matter under investigation.
16 Any failure to obey such order of the court may be punished
17 by such court as contempt thereof. All process in any such
18 case may be served in the judicial district whereof such per-
19 son is an inhabitant or wherever he may be found. The site
20 of any hearings held under this section shall be within the
21 judicial district where such handler or other person is an
22 inhabitant or has his principal place of business.

23 (b) No person shall be excused from attending and
24 testifying or from producing books, papers, and documents
25 before the Secretary, or in obedience to the subpoena of the

1 Secretary, or in any cause or proceeding, criminal or other-
2 wise, based upon, or growing out of any alleged violation
3 of this title, or of any plan, or rule or regulation issued
4 thereunder on the ground or for the reason that the testimony
5 or evidence, documentary or otherwise, required of him may
6 tend to incriminate him or subject him to a penalty or for-
7 feiture; but no individual shall be prosecuted or subjected to
8 any penalty or forfeiture for or on account of any transac-
9 tion, matter, or thing concerning which he is compelled, after
10 having claimed his privilege against self-incrimination, to
11 testify or produce evidence, documentary or otherwise, ex-
12 cept that any individual so testifying shall not be exempt
13 from prosecution and punishment for perjury committed in
14 so testifying.

15 REQUIREMENT OF REFERENDUM

16 SEC. 314. The Secretary shall conduct a referendum
17 among producers who, during a representative period deter-
18 mined by the Secretary, have been engaged in the production
19 of potatoes for the purpose of ascertaining whether the issu-
20 ance of a plan is approved or favored by producers. No plan
21 issued pursuant to this title shall be effective unless the Secre-
22 tary determines that the issuance of such plan is approved or
23 favored by not less than two-thirds of the producers voting
24 in such referendum, or by the producers of not less than two-
25 thirds of the potatoes produced during the representative

1 period by producers voting in such referendum, and by not
2 less than a majority of the producers voting in such referen-
3 dum. The ballots and other information or reports which
4 reveal or tend to reveal the vote of any producer or his pro-
5 duction of potatoes shall be held strictly confidential and shall
6 not be disclosed. Any officer or employee of the Department
7 of Agriculture violating the provisions hereof shall upon
8 conviction be subject to the penalties provided in paragraph
9 310 (c) above.

10 SUSPENSION OR TERMINATION OF PLANS

11 SEC. 315. (a) The Secretary shall, whenever he finds
12 that a plan or any provision thereof obstructs or does not
13 tend to effectuate the declared policy of this title, termi-
14 nate or suspend the operation of such plan or such provision
15 thereof.

16 (b) The Secretary may conduct a referendum at any
17 time and shall hold a referendum on request of the board
18 or of 10 per centum or more of the potato producers to de-
19 termine if potato producers favor the termination or sus-
20 pension of the plan, and he shall terminate or suspend such
21 plan at the end of the marketing year whenever he deter-
22 mines that such suspension or termination is favored by a
23 majority of those voting in a referendum, and who produce
24 more than 50 per centum of the volume of the potatoes pro-
25 duced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

1

2 SEC. 316. The provisions of this title applicable to plans
3 shall be applicable to amendments to plans.

SEPARABILITY

4

5 SEC. 317. If any provision of this title or the applica-
6 tion thereof to any person or circumstances is held invalid,
7 the validity of the remainder of this title and of the applica-
8 tion of such provision to other persons and circumstances
9 shall not be affected thereby.

AUTHORIZATION

10

11 SEC. 318. There is hereby made available from the
12 funds provided by section 32 of Public Law 320, Seventy-
13 fourth Congress (49 Stat. 774), as amended (7 U.S.C.
14 612c), such sums as are necessary to carry out the provisions
15 of this title: *Provided*, That no such sum shall be used for
16 the payment of any expenses or expenditures of the board in
17 administering any provision of any plan issued under author-
18 ity of this title.

EFFECTIVE DATE

19

20 SEC. 319. This title shall take effect upon enactment.

Calendar No. 1407

91ST CONGRESS
2^D SESSION

S. 4560

[Report No. 91-1400]

A BILL

To provide authority for promotion programs
for milk, tomatoes, and potatoes.

By Mr. YOUNG of North Dakota

DECEMBER 3, 1970

Read twice and ordered to be placed on the calendar

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 11, 1970
91st-2nd; No. 199

CONTENTS

Adjournment.....7,13	Corn.....18	Milk, tomatoes.....8
Agricultural	Economy.....11	Nutrition.....4
credit.....14	Egg inspection.....1	Outlays.....5
Animals.....17	Environment.....1,12	Parity.....15
Appropriations.....2,9	Floor action.....1	Pollution.....6
Coffee.....3	Food stamps.....3	Potato research.....8
Committee Action.....2	Insured loans.....10	Rural development.....16
Committees.....2	Legislative program.....3	Taxation.....1

HIGHLIGHTS: House passed egg inspection bill.
Rep. Zwach urged 100% parity.
Senate agreed to House amendments to Potato Research and Promotion
act, with amendment granting authority for milk promotion.

HOUSE

1. FLOOR ACTION.

Passed H.R. 19888, providing for the inspection of eggs and egg products,
as reported. pp. H11547-52

Passed without amendment H.R. 19868, proposed estate, excise, and gift tax
adjustment bill. pp. H11554-66

Disagreed to the Senate amendment to H.J. Res. 1117, establishing a Joint
Committee on the Environment. Conference requested and conferees appointed.
p. H11545

2. COMMITTEE ACTION.

Conferees filed reports on:

H.R. 18515, FY 71 Labor and HEW appropriation bill (H. Rept. 91-1729); and
H.R. 17755, FY 71 Department of Transportation appropriation bill (H.
Rept. 91-1730). p. H11601

Committee on Government Operations filed a report "The Role and Effectiveness
of Federal Advisory Committees" (H. Rept. 91-1731). p. H11601

Conferees agreed to file a report on S. 3619, the disaster relief and
assistance bill. p. D1266

3. LEGISLATIVE PROGRAM. Among the bills for consideration the week of December 14
will be H.R. 18582, the food stamp amendments, and H.R. 19567, the Inter-
national Coffee Agreement. pp. H11594-5

4. NUTRITION. Rep. Price, Texas, included a treatise discussing the need for
increasing the nutritional value of the "traditional American diet".
pp. H11598-600

5. OUTLAYS. Received a report from OMB on the operation of section 501 of the
Second Supplemental Appropriations Act, 1970, which establishes a limitation
on budget outlays for fiscal year 1971; to the Committee on Appropriations
(H. Doc. 91-426). p. H11601

6. POLLUTION. Received a letter from the Environmental Protection Agency trans-
mitting a notice of the Agency's intention to submit a report on an
"investigation and study of the feasibility of all methods of financing the
cost of preventing, controlling, and abating water pollution, other than
methods authorized by existing law"; to the Committee on Public Works.
p. H11601

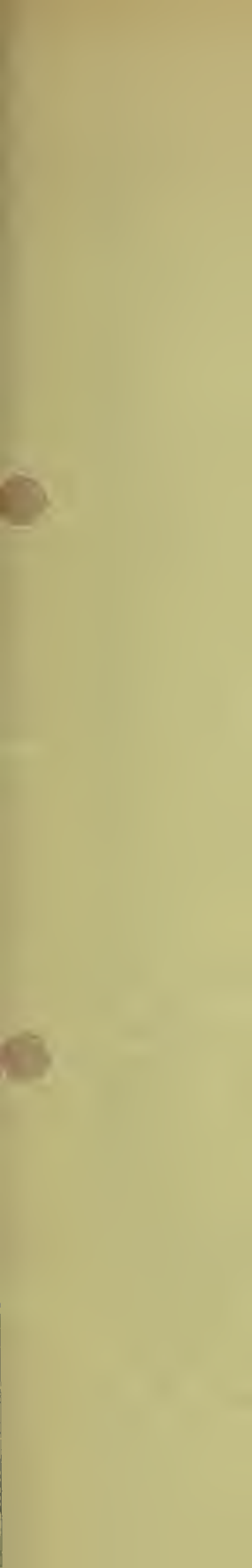
7. ADJOURNED until Monday, Dec. 14. p. H11601

SENATE

8. POTATO RESEARCH. Agreed to House amendment to S. 1181, proposed Potato Research
& Promotion Act, with an amendment substituting the language of S. 4560, to
provide authority for promotion programs for milk, tomatoes, and potatoes.
pp. S20021-6

9. APPROPRIATIONS. Committee on Appropriations in executive session ordered
favorably reported with amendments H.R. 19928, FY 1971 supplemental
appropriations. p. S20032

10. INSURED LOANS. Committee on Finance voted to report (but did not actually report)
H.R. 15979, providing that interest on certain insured loans sold out of the
Agricultural Credit Insurance Fund shall be subject to income tax. p. D1265





jurisdiction. The most that can be said is that each country has jurisdiction over the oceans within the 3- or 10-mile limit and it has jurisdiction over its land, except that there is a limit on that, because satellites are flying over everybody's land. So the most we can say is that each country has a little piece of the control and the jurisdiction, over the worldwide environment—just a piece. If we have a piece of it, what should we do about it? Should we say, "If everybody else is going to risk polluting the stratosphere and destroying the habitat of the oceans for all kinds of living creatures, we might as well join in"? That is irresponsible in the extreme.

Our moral responsibility is to say that there are grave questions environmentally that are global and that effect not only human beings but all living creatures. The United States has a moral responsibility to lead in stopping the degradation of the environment worldwide, because we all share the same environment. Since our jurisdiction is confined to the territorial limits of the United States, and since we have a responsibility, in my judgment, to provide moral and practical leadership, we should say, "You may not land here." That ends that argument. Then let us do the studies.

The PRESIDING OFFICER (Mr. EAGLETON). The time of the Senator has expired.

Mr. NELSON. I ask unanimous consent that I may proceed for 5 additional minutes.

Mr. BYRD of Virginia. Mr. President, reserving the right to object—and I shall not object—first, I want to say that I feel that the Senator from Wisconsin is making a very effective and able presentation. But I rise to ask the Senator how long he anticipates he may continue.

Mr. NELSON. I am near the end of my remarks; not more than 5 minutes.

Mr. BYRD of Virginia. I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. So my point about it all is that we have a moral responsibility to do our part, since we control only a small part of the world's environment, and share the whole environment. If Russia is not going to assume its responsibility and France is not and England is not, then is there some argument that we should not? In fact, the responsibility for the United States is greater, because if we go ahead, England and France have to go. If we open our market, if we are going to have an SST, then they have to be in competition. We are the ones who can stop this competition.

I will have more to say about this matter next week, for several days next week, along with the senior Senator from Wisconsin. I would hope that, after having had a great victory, with 52 votes, the Senate would not turn around now, after all the involvement we have had in this discussion all over this country, with young people saying, "Does the system really work or does it collapse under pressure? Does it work or does not it work?" I think it worked very well, when we look at the vote on the SST. I

think it reflected all kinds of things that have been going on, including Earth Day on April 22, when 10,000 grade schools and high schools, with 8 to 10 million young kids, and 3,500 colleges, 3,000 communities, millions of people all over the country, expressing in a constructive, quiet way, all day long, their concern about the status of the environment.

Columnists wrote articles after that, and I received telephone calls and queries on TV saying, "Well, was it just another day?" I said, "No, it is not just another day. This was a great day, and it will continue, and the environment issue will become more and more important, because we are living with it every day and it is being degraded day by day."

This is the first evidence, the first really specific evidence, on a tough issue. This is not to say that we have not passed some fine legislation. We have done so, some of it led by Senator JACKSON and by Senator MAGNUSON. But this is a specific occasion when the environmental concerns of the people of this country came into a direct confrontation with a tremendous technological development. Are we going to sell it down the river by turning around and collapsing because we have to have a DOT appropriation?

I agree with Senator PROXMIRE that we can pass a continuing resolution and leave the SST money out. I will vote for that. I am not trying to hold up the DOT appropriations and neither is anyone else. But if they insist on including appropriations for the SST, I will talk as long as I am able to talk on the issue, as I know several other Senators will; and they had better start putting turkeys in the Senate dining room for Christmas dinner and New Year's, also, and if necessary, longer than that, because this is a fight that has to be settled now.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. PROXMIRE. Mr. President, I congratulate the Senator. I think he has expressed the theme of the debate on the SST that will be going on for some days to come—if necessary, up to January 3.

I think we have to recognize that this is not just another bill that we are disappointed we did not get, or another action we are disappointed we did not get. This is the number one ecology issue before Congress, as my colleague from Wisconsin has said so well. There is no question about it. This is the real breakthrough we have made in the last few years.

It is also the No. 1 priorities issue. If there is one dramatic demonstration of how we ought to reorder our priorities, it is right here. Here is a program that will not feed a hungry child, that will not build a home, that will not provide a cure for someone who is ill. It will do nothing of any significant importance for any human being. Yet, we are asked to pour this enormous sum into it.

I think that in the next few days it will be necessary for the Senators from Wisconsin to speak several times at considerable length on this issue. I have talked with a number of Senators, and

I am sure many will be anxious to speak, also. I think it is important that we not only talk to our colleagues but also to the country as a whole on this issue.

I thank my colleague for having set such an excellent pace in this talk. His part in this debate will not only be educational and constructive but also of considerable inspiration.

Mr. NELSON. I thank the Senator, who has been leading this fight for several years.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. I did not discuss the question of priorities, which has been raised by my senior colleague and which is so critical.

I conclude by saying that I have a friend in New York who tells me that when we get the SST going, he will be able to get to London quicker than he will be able to drive across New York City. Well, that is a great priority. Who needs that 3½-hour saving, when the whole mass transportation system of America has collapsed? We ought to settle that before we settle this.

I yield the floor.

ORDER OF BUSINESS

Mr. BYRD of Virginia obtained the floor.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from North Dakota (Mr. YOUNG), without the time being charged to the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVISION FOR POTATO AND TOMATO PROMOTION PROGRAMS

Mr. YOUNG of North Dakota. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1181.

The PRESIDING OFFICER (Mr. EAGLETON) laid before the Senate the amendments of the House of Representatives to the bill (S. 1181) to provide for potato and tomato promotion programs which were to strike out all after the enacting clause, and insert:

TITLE I—ADVERTISING PROJECTS: MILK

SEC. 101. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

"(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total

pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research as required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order. Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

TITLE II—ADVERTISING PROJECTS: OTHER COMMODITIES

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 as amended, is amended to read as follows:

"Establishing or providing for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to those commodities specified in section 8c(2) of this Act, such projects may provide for any form of marketing promotion including paid advertising: *Provided further*, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt, or supersede any such provisions in any State program covering the same commodity."

TITLE III—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 302. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five

million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of \$561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out an effective and continuous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 303. As used in this title:

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 304. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 305. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a

proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDINGS AND ISSUANCE OF A PLAN

SEC. 306. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 307. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 308. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board, as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a)(4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assess-

ment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 309. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however*, That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further*, That such promotional activities shall comply with the provisions of section 308(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising, and promotion in years when the production and assessment income may be reduced: *Provided*, That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and con-

ditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 310. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for payment of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by an person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 311. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plans or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition

which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purposes is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 312(a) of this title.

ENFORCEMENT

SEC. 312. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than \$100 nor more than \$1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 313. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpoena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule, or regulation issued

thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 314. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 310(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 315. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 316. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 317. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 318. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: Provided, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 319. This title shall take effect upon enactment.

TITLE IV—RESTRICTIONS ON IMPORTED COMMODITIES

SEC. 401. Section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between "tomatoes" and "avocados," the following: "raisins, olives (other than Spanish-style green olives), prunes".

And amend the title so as to read: "An act to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes."

Mr. YOUNG of North Dakota. Mr. President, I move that the Senate concur in the House amendment to S. 1181 with an amendment as follows:

In lieu of the matter proposed to be inserted, insert the text of S. 4560, Calendar No. 1407.

The amendment I am proposing is fully explained in Senate Report No. 91-1400. It would adopt the House provision with respect to promotion programs for milk. It would delete the House provision extending promotion program authority to all commodities that are subject to marketing order authority. It would delete the House provision imposing import restrictions on prunes, raisins, and olives—other than Spanish-type green olives. It would retain the Senate-approved provision authorizing advertising programs for tomatoes, and would retain the authority for potato promotion programs which has been approved by both the House and Senate. The only substantive difference between the amendment I am proposing and S. 1811, as passed by the Senate on October 16 last year, is the authority for milk promotion which is contained in title I of the amendment.

The motion was agreed to.

Mr. YOUNG of North Dakota. Mr. President, the amendment is fully explained in the report. It was approved unanimously by the Committee on Agriculture and Forestry.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1400), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION

On October 16, 1969, the Senate passed S. 1181 providing authority for potato and tomato promotion programs. On November 30, 1970, the House of Representatives passed S. 1181 with an amendment in the nature of a substitute providing authority for promotion programs for milk, potatoes, and all other commodities for which marketing orders are authorized by section 8c(2) of the Agricultural Adjustment Act (of 1933). The original bill reported herewith provides for a milk promotion program as provided for by the House amendment to S. 1181, a tomato advertising program as provided for by

S. 1181 as passed by the Senate, and a potato promotion program as provided for by both the Senate and House versions of S. 1181. It does not include the provisions of the House amendment which would have provided for paid advertising programs for commodities other than milk, tomatoes, and potatoes, nor does it include the provisions of the House amendment which would have extended the restrictions on imported commodities of section 8e of the Agricultural Adjustment Act (of 1933) to raisins, prunes, and certain olives.

It is anticipated that after the Senate has had an opportunity to study the bill reported herewith, a move will be made to lay the message from the House on S. 1181 before the Senate and concur in the amendment of the House with an amendment substituting the text of the bill reported herewith.

Title I of the bill reported herewith is identical to title I of the House amendment to S. 1181, except that "as required" has been changed to "is required" in the third sentence of the proposed new subparagraph (I).

Title II of the bill reported herewith is identical to title II of S. 1181 as passed by the Senate, except that (1) the word "apples" has been substituted for the word "avocados" to take into account the enactment of Public Law 91-363 on July 31, 1970; and (2) the word "first" has been inserted before the word "proviso" to take into account the enactment of Public Law 91-292 on June 25, 1970, which added a second proviso. Title II of the House amendment, in completely amending section 8c(6)(I) of the Agricultural Adjustment Act (of 1933) to provide for paid advertising promotion for all commodities subject to marketing orders, would inadvertently repeal a provision relating to almonds which was enacted by Public Law 91-522 on November 25, 1970.

Title III of the bill reported herewith is identical to title III of the House amendment to S. 1181, except for the following clerical changes:

(1) In the last paragraph of section 302 the word "of" has been inserted after "carrying out".

(2) In section 310(a) "difference" has been changed to "differences".

(3) In section 310(c)(1) "an person" has been changed to "any person".

COST

It is estimated that Federal costs under title I (milk) would be \$200,000 for each of the first 2 years, somewhat less thereafter. The cost under title II (tomatoes) is estimated by the Department of Agriculture to be little, if any. Initiation of a plan under title III (potatoes) is estimated to cost from \$180,000 to \$325,000 depending upon whether suitable mailing lists can be obtained so that the referendum can be held by mail rather than by the use of polling places.

DEPARTMENTAL VIEWS

Attached are reports from the Department of Agriculture favoring enactment of the various titles of this bill.

DEPARTMENT OF AGRICULTURE,

Washington, August 7, 1969.

Hon. W. R. POAGE,
Chairman, Committee on Agriculture, House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your request for a report on H.R. 10710, a bill to amend the Agricultural Marketing Agreement Act of 1937, as amended, to provide authorization for the establishment of advertising, sales promotion, educational, and research programs, including marketing research and development, financed by deductions from payments due producers delivering milk to handlers regulated by Federal milk orders.

The Department supports enactment of H.R. 10710. We would suggest minor modifica-

tions, including accommodation of refunds to producers under certain circumstances.

The programs authorized by H.R. 10710 would be financed by deductions from funds owed to producers under the order. Deductions could be made directly from the total pool value of all producer milk. An equitable adjustment could be made in areas where a mandatory checkoff from dairy farmers for advertising and research is required by State law.

Funds would be paid to an agency organized by milk producers and associations of producers. This agency could employ persons and organizations for research and promotional programs designed to promote marketing and the domestic consumption of milk and milk products.

Provisions authorizing producer deductions would not become effective unless separately approved by producers in the same manner provided for the approval of orders. Disapproval of the producer deduction provisions would not be considered disapproval of the order, and such provisions could be terminated separately from other order provisions.

In recent years, an increasing number of dairy farmer cooperatives have expressed their support for this type of legislation. The threat of filled and imitation milk in fluid milk markets throughout the Nation has stimulated interest for increased promotion, advertising, and research.

H.R. 10710 would constitute enabling legislation and its implementation in a Federal milk order would require a public hearing as well as producer approval. Thus, a forum will be provided for a careful and thorough review of all the problems which might be associated with the adoption of a promotion program in an individual milk marketing area. It is important that any such program contain provisions which will be fair, equitable, efficient, and fruitful.

Projects carried out under the program would be subject to approval and continuing review by the Secretary to insure compliance with the statute and to protect the public interest.

We suggest that the bill be modified to provide that adjustments for mandatory checkoffs required by State law be allowed only if it is determined that deductions were actually made and used for purposes comparable with the purposes authorized under the bill.

We recommend also that the bill be modified by adding the following after the last sentence of the bill: "Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

The additional costs that may result from enactment of the legislation would be related to conducting public hearings and general administration of the programs. For each of the first 2 years we would anticipate additional annual costs of about \$200,000. Thereafter, costs would be somewhat less. For the most part, additional costs would be associated with amending existing order provisions to authorize producer deductions for research and promotional programs.

Although H.R. 10710 does not mention the source of funds for administration, there is a bill (H.R. 13193) proposed by the Department which is before the Congress, which would permit the Department to recover costs of administration through user fees.

In view of the time situation, we have not obtained from the Bureau of the Budget advice regarding the relationship of the

proposed legislation to the administration's program.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

JANUARY 20, 1970.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: This is in response to your request of April 21, 1969, for a report on S. 1862, a bill to amend section 8c(6) (I) of the Agricultural Marketing Agreement Act of 1937, as amended. This proposal would authorize marketing promotion including paid advertising under marketing orders applicable to tomatoes.

The Department recommends that this bill be passed.

Many industry groups believe that market promotion, including advertising, will not only strengthen their position in the marketplace but also will increase the demand for their commodity. Further, they believe they must advertise in order to hold the present space devoted to their product in the retail stores. The Agricultural Marketing Agreement Act currently authorizes marketing promotion as well as advertising projects for a number of horticultural commodities. The Department supports the extension of the promotion mechanism to tomatoes as contemplated by S. 1862.

There are currently two Federal marketing agreement and order programs in effect for tomatoes, one for tomatoes grown in Florida and the other for tomatoes grown in the Lower Rio Grande Valley in Texas. If this bill were enacted into law these groups would be able to take advantage of advertising programs.

The expense of such projects would be paid from funds collected pursuant to the marketing order. It is expected that little, if any, additional cost to the Department would result from the enactment of the proposed bill. However, should any additional cost result, it would be absorbed within existing appropriations with respect to these programs.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

RICHARD LYNG,
Acting Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 18, 1969.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your request of March 3 for a report on S. 1181. The purpose of the bill is to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes.

The Department has no objection to this bill but suggests some modifications.

The bill provides for authority to establish a plan to collect assessments on potatoes produced in the 48 contiguous States of the United States. Producers with less than 5 acres will be exempt from assessments. The assessments will be used for promotion of potatoes including paid advertising. In addition, assessments can be used for research and development projects. The costs incurred by the potato industry in administering the program will also be paid from assessments. Prior approval by the Secretary of Agriculture for all projects and expenditures is provided for as a safeguard against improper use of funds.

The bill provides for a maximum assess-

ment rate of 1 cent per hundredweight. Handlers are responsible for payment of the assessments, and they may deduct them from their settlement with the producers. Producers will be able to obtain a refund on the assessments paid by them, if they request it in the time and manner prescribed. The bill provides that hearings with respect to a proposed plan be held when requested by potato producers. A favorable referendum vote, by two-thirds of the potato producers voting in such referendum, or two-thirds of those voting, is required to approve any plan issued pursuant to this bill. If such a plan is favored by producers, a board will be appointed by the Secretary of Agriculture from industry nominations of eligible producers. Such board will administer the plan under the supervision of the Secretary of Agriculture.

Provisions in this bill are similar to those in Public Law 89-502 (80 Stat. 279) enacted by the 89th Congress, and cited as the "Cotton Research and Promotion Act." Promulgation and referendum proceedings for any plan issued pursuant to this bill are similar to those in marketing orders authorized by the Agricultural Marketing Agreement Act of 1937, as amended. Administrative provisions are also similar to those in marketing orders. There are no provisions for quality control or compulsory inspection in this bill.

The potato producers have been confronted, in recent years, with increased competition from other products marketed as easily prepared convenience foods. Some of these products are promoted on a national basis. Potato producers have not been able to effectively match this competition because production and marketing of potatoes is performed by numerous individual farmers in every State in the United States. This has made it difficult for them to finance and carry out adequate research and promotion projects to maintain a competitive position in the markets. This bill would give potato producers authority to help themselves by financing such projects.

Several potato-producing areas have State orders or commissions to promote potatoes produced in their specific areas. This bill is intended to supplement these existing programs with a nationally coordinated program.

The Department recommends the following modifications of this bill: (1) In section 2, page 1, line 6 (findings and declaration of policy), it is recommended that the findings, as contained in the national potato research and promotion bill in the 90th Congress (S. 2862 dated January 23, 1968, predecessor to this bill), be added as a part of section 2 of this bill. The addition would make clear that the legislation is intended to exercise the full sweep of the Federal commerce powers. It would also facilitate administration and enforcement as proof would not be required in each action for enforcement that the potatoes involved were in interstate commerce or directly burdened, obstructed, or affected interstate commerce in potatoes or potato products.

In the event the findings are not added, section 4 should be modified to indicate the intention to exercise the full sweep of the Federal commerce powers. In section 4, page 3, line 25 (authority to issue a plan), add to the end of the sentence the following: "and as are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes or potato products".

(2) In subsection 3(d), page 2, line 20-22 (definitions), revise the term "handler" to read as follows:

"(d) The term 'handler' means any person (except a common or contract carrier or potatoes owned by another person, who han-

de potatoes in a manner specified in a plan issued pursuant to this Act or in the rules and regulations issued thereunder."

(3) In section 3, page 2, beginning on line 23, delete subsection (e)—the definition of "handler"—and renumber the remaining definitions.

(4) In subsection 10(a), page 9 (assessments), revise the language beginning on line 25 and continuing through the word "potatoes," in line 3 on page 10, to read as follows:

"SEC. 10. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes;"

Also in subsection 10(a), add a sentence at the end to read as follows: "To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes."

The changes in (2) and (3) are recommended in the interest of providing a greater degree of flexibility in designating the various activities that will make a person a "handler." The change in (4) will provide flexibility in designating the "handler" responsible for payment of assessments to, as well as the manner and method of collection of assessments by, the board. These changes follow similar provisions in the Cotton Research and Promotion Act and are desirable in the light of our experience under that act.

(5) In section 6, page 4, line 16 (finding and issuance of a plan), delete "or modifications", as being unnecessary and confusing inasmuch as the Secretary must find that all the terms and conditions contained in the plan as issued will tend to effectuate the declared policy of the act.

(6) In subsection 9(e), page 9, lines 11 and 12 (permissive terms in plans), modify "research and development or advertising and promotion" to read "research, development, advertising and promotion". This change will make the quoted modification conform to other specifications of such activities elsewhere in the act.

(7) In subsection 12(b) (enforcement), delete the word "willfully" in two places on page 13, lines 6 and 8. "Willfully" is an undesirable term because it is difficult to prove and would result in administrative and enforcement difficulties.

Also in subsection 12(b), page 13, line 10, delete the words "liable to a penalty of not" and substitute in lieu thereof the words "fined not less than \$100 or"; and delete the balance of the paragraph following the word "offense" in line 11. This change substitutes terminology generally associated with criminal prosecution in place of language relating to civil action. Additionally, specific authorization for civil action to collect unpaid assessments is unnecessary as subsection 12(a) provides the district courts with adequate authority to enforce collection.

We believe the enactment of this bill would result in a cost of \$325,000 to conduct promulgation proceedings, a referendum and related items to initiate a plan if it is necessary to conduct the referendum by the use of polling places in each county. However, if the proponents of a plan are able to provide suitable mailing lists of potato producers eligible to vote so that the referendum can be conducted by mail, this would reduce total costs to initiate a plan to \$180,000. Additionally, the Department's annual cost for administration is estimated to be \$80,000.

The Bureau of the Budget advises that there is no objection to the presentation of

this report from the standpoint of the administration's program.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets new matter is printed in *italics*, existing law in which no change is proposed is shown in *roman*):

AGRICULTURAL ADJUSTMENT ACT OF 1933

Orders

SEC. 8c.(1) The Secretary of Agriculture shall, subject to the provisions of this section, issue, and from time to time amend, orders applicable to processors, associations of producers, and others in the handling of any agricultural commodity or product thereof specified in subsection (2) of this section. Such persons are referred to in this title as "handlers." Such orders shall regulate, in the manner hereinafter in this section provided, only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof.

Terms—milk and its products

(5) In the case of milk and its products, orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)) no others:

(1) *Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producers contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research is required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately when-*

ever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16) (B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order. Notwithstanding any other provisions of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order.

Terms—other commodities

(6) In the case of the agricultural commodities and the products thereof, other than milk and its products, specified in subsection (2) orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)), no others:

(1) *Establishing or providing for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: Provided, That with respect to orders applicable to almonds, cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, avocados, [or] apples or tomatoes such projects may provide for any form of marketing promotion including paid advertising and with respect to almonds may provide for crediting the pro rata expense assessment obligations of a handler with all or any portion of his direct expenditures for such marketing promotion including paid advertising as may be authorized by the order: Provided further, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt or supersede research provisions in any State program covering the same commodity.*

Mr. YOUNG of North Dakota. Mr. President, I ask unanimous consent that S. 4560 be indefinitely postponed.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

VIETNAM—PRESIDENT NIXON'S NEWS CONFERENCE LAST EVENING, AND TROOP WITHDRAWALS

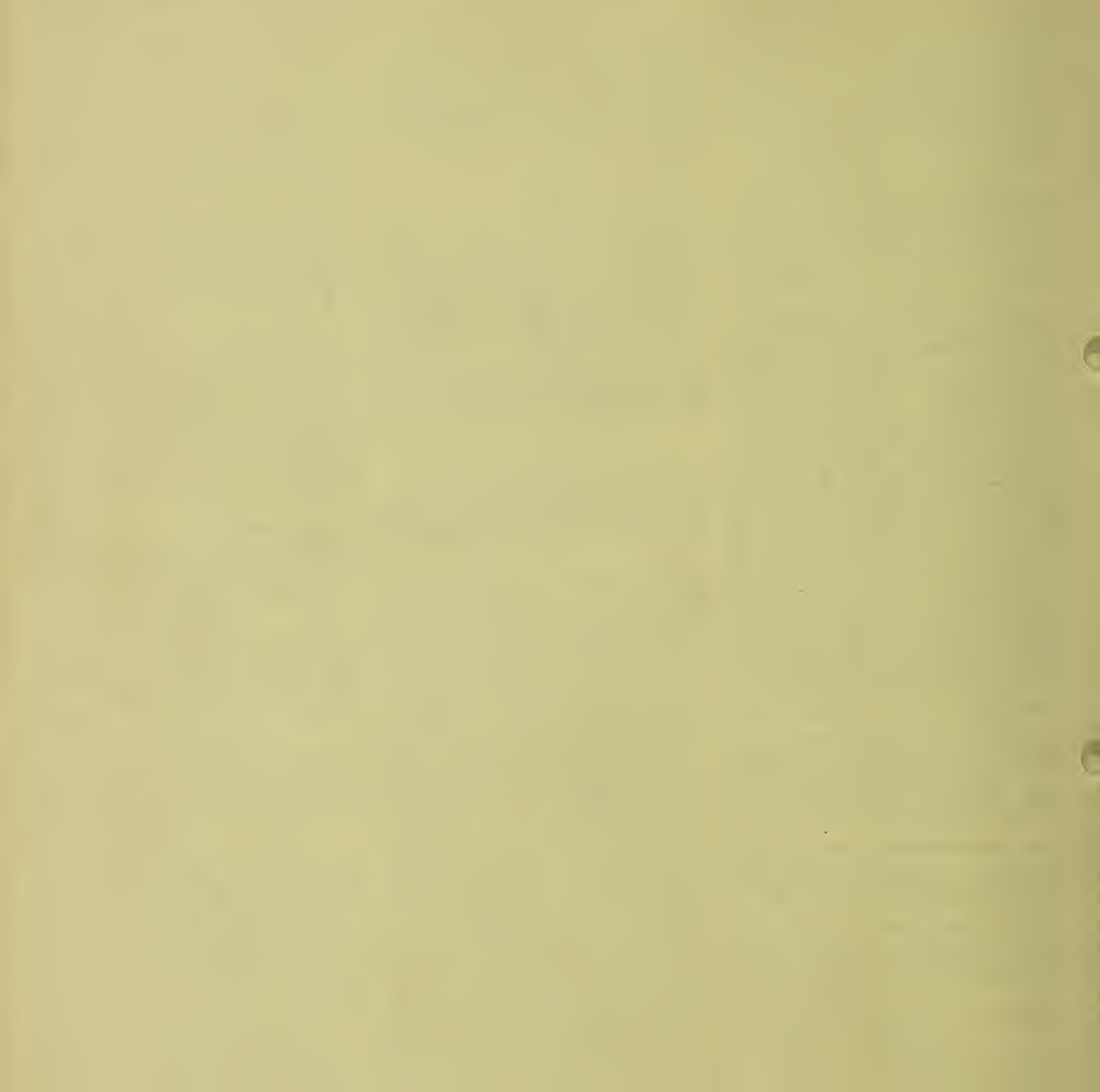
Mr. BYRD of Virginia. Mr. President, last evening, the President of the United States held a significant news conference, the first he has held in Washington for some time.

I am not one of those who condemn the President for not holding more frequent news conferences.

I think his policy in regard to news conferences is sound. He holds them when he feels it will be in the public interest and when he has matters that would be of significance and concern to the American people.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks the transcript of the President's news conference of last evening.

The PRESIDING OFFICER. Without objection, it is so ordered.



Dec. 17, 1970

10. FLOOR ACTION.

Agreed to a motion to send S. 1181, providing for potato and tomato promotion programs, to conference. Disagreed to Senate amendments to House amendments and requested conference. Conferees were appointed. pp. H11888-9

Agreed to conference report on S. 3619, disaster relief bill. pp. H11905-7
Disagreed to Senate amendment to H.R. 19885, the D.C. Revenue bill, and appointed conferees. p. H11889

11. FOOD STAMPS. Representatives Melcher and Gonzalez spoke in opposition to the food stamp amendments as they were passed by the House. pp. H11927, H10237
Rep. Conable stated "the existence of the food stamp program works against achievement of welfare reform" and expressed a preference for the concept of cash welfare. p. H11934

BILL INTRODUCED

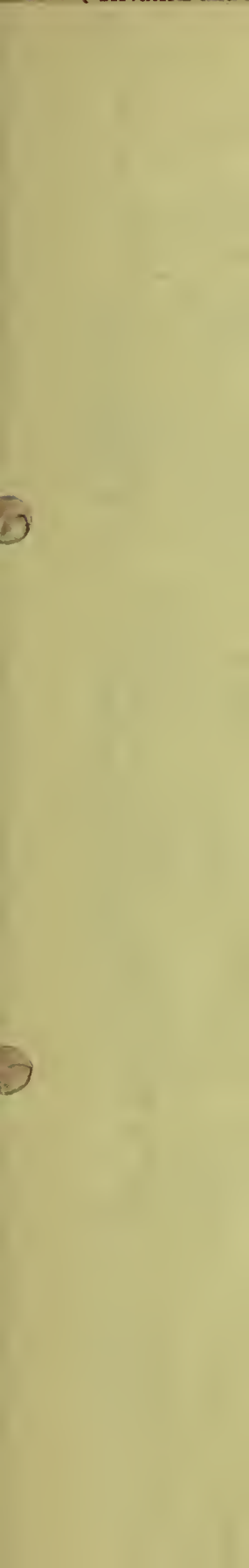
12. GARNISHMENT. H.R. 19972, by Rep. Rarick, to provide for the garnishment of the wages of Federal employees; to the Committee on the Judiciary.

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COMMITTEE HEARINGS ANNOUNCEMENTS DECEMBER 18:

National Environmental Policy Act, H. Merchant Marine
Joint Committee on Environment, conferees (exec.)
Supplemental appropriations, conferees (exec.)
DC Revenue Act, conferees (exec.)

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Government Operations, House of Representatives, five thousand additional copies of the hearings by the Subcommittee on Conservation and Natural Resources in September 1969 entitled "Effects of Population Growth on Natural Resources and the Environment."

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

OUR AMERICAN GOVERNMENT AND HOW IT WORKS: 1001 QUESTIONS AND ANSWERS

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1773) on the concurrent resolution (H. Con. Res. 785) authorizing the printing as a House document the book entitled "Our American Government and How It Works: 1001 Questions and Answers" and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 785

Resolved by the House of Representatives (the Senate concurring), That,

SECTION 1. With the permission of the copyright owner of the book, "Our American Government and How It Works: 1001 Questions and Answers," by Wright Patman, Member of Congress, published by Bantam Books, Incorporated, there shall be printed as a House document, as soon as practicable, for maximum usefulness to Members of the Ninety-second Congress, with emendations, the pamphlet, entitled "Our American Government. What Is It? How Does It Function?" and there shall be printed one million eighty-four thousand additional copies of such document, of which two hundred and six thousand copies shall be for the use of the Senate, and eight hundred and seventy-eight thousand copies shall be for the use of the House of Representatives.

SEC. 2. Copies of such document shall be prorated to Members of the Senate and House of Representatives for a period of sixty days, after which the unused balance shall revert to the respective Senate and House document rooms.

The SPEAKER. The gentleman from Pennsylvania is recognized.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman say whether this document entitled "Our American Government. What is it? How Does It Function" has been revised to describe to the citizens of the United States how a lame-duck session functions on Christmas Eve?

Mr. DENT. We have not prepared any material on that particular subject, but if the gentleman from Iowa would do his usual good job in preparing such a statement, I shall try to have it printed.

Mr. GROSS. I thank the gentleman.

The SPEAKER. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF HEARINGS BEFORE SPECIAL SUBCOMMITTEE ON EDUCATION ENTITLED "DISCRIMINATION AGAINST WOMEN"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1774) on the concurrent resolution (H. Con. Res. 790), to provide for the printing of 5,000 additional copies of parts I and II of the hearings before the Special Subcommittee on Education of the Committee on Education and Labor entitled "Discrimination Against Women," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 790

Resolved by the House of Representatives (the Senate concurring), That five thousand additional copies of parts I and II of the hearings before the Special Subcommittee on Education of the Committee on Education and Labor of the House of Representatives, Ninety-first Congress, second session on section 805 of H.R. 16098, entitled "Discrimination Against Women", be printed concurrently for the use of the Special Subcommittee on Education.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING REPRINTING OF HOUSE REPORT NO. 91-1673

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1775) on the resolution (H. Res. 1311), authorizing reprinting of House Report No. 91-1673, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1311

Resolved, That House Report Numbered 91-1673, entitled "For the Benefit of All Mankind—A Survey of the Practical Returns From Space Investment", be reprinted with ten thousand copies for the use of the Committee on Science and Astronautics.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING ADDITIONAL POSITIONS ON THE U.S. CAPITOL POLICE FORCE FOR DUTY UNDER THE HOUSE OF REPRESENTATIVES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1776) on the resolution (H. Res. 1293), authorizing the establishment of six additional positions of sergeant and one additional position of lieutenant on the U.S. Capitol Police force for duty under the House of Representatives, and for other purposes, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1293

Resolved, That (a) In addition to the number of positions on the United States Capitol Police force, and of personnel detailed to such police force from the Metropolitan Police force of the District of Columbia, existing on the date of adoption of this resolution, but subject to subsection (c) of this section, there are hereby authorized to be established six positions of sergeant, and one position of lieutenant, on the United States Capitol Police force, for duty under the House of Representatives.

(b) Each appointment to any such additional position shall be made by the Capitol Police Board, subject to prior approval of the Committee on House Administration, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Each person appointed to any such position shall have, prior to such appointment, at least one year of police experience or of equivalent experience.

(c) The number of positions of private on the United States Capitol Police force for duty under the House of Representatives authorized by House Resolution 796, Eighty-ninth Congress, adopted June 29, 1966, is reduced by six.

SEC. 2. Until otherwise provided by law, the contingent fund of the House of Representatives is made available to carry out the purposes of this resolution.

The SPEAKER. The Chair recognizes the gentleman from Ohio.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. HAYS. Mr. Speaker, I will yield to the gentleman from Missouri, but I would like first to say a word of explanation. I do not want to be accused of trying to slip something through.

This will create six additional positions of sergeant. The Chief of Police has testified that in the Metropolitan Police force there is one sergeant for every eight privates. That will bring his force to one sergeant for every 14 privates. It is not quite as desirable as he would like it, but he thinks he can get along with it.

It will cost \$30,624 a year additional, and it will reduce the number of privates by six, so that there will be no more police, but there will be six fewer privates and six more sergeants.

I yield now to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding. The gentleman has answered the first part of my question. I appreciate his explanation. I think it is adequate.

Now, at the bottom of page 1 and the top of page 2, it says "Without regard to political affiliation and solely on the basis of fitness to perform the duties of the position." The bill then goes on with other facts. Will the gentleman tell the House, before this is passed by unanimous-consent action how we are coming along with that portion of the endeavor to upgrade the Capitol Police?

Mr. HAYS. I will say to the gentleman that I will have to speak from memory, because I do not have the statistics here, but we have a substantial increase in the number of so-called professional police as against part-time students and patronage people and others. The proportion, I think it is fair to say—and I would stand subject to correction by the gen-

tlemen from Ohio (Mr. DEVINE) if he knows any different—is increasing as we go along in favor of more professional people and fewer of the others.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1181, PROVIDING FOR POTATO AND TOMATO PROMOTION PROGRAMS

Mr. SISK. Mr. Speaker, pursuant to rule XX of the Rules of the House of Representatives and at the direction of the Committee on Agriculture, I move to take from the Speaker's table the bill (S. 1181) to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes, with the Senate amendments to the House amendments thereto, disagree to the Senate amendments to the House amendments, and request a conference with the Senate thereon.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, do I understand that to this bill the other body added tomatoes to potatoes for purposes of checkoff?

Mr. SISK. If the gentleman would permit me to comment, the Senate passed the potato part of the bill, and they passed the dairy part of the bill, and they passed the tomato part. They struck out one title regarding general legislation that we had in, and they also struck out title IV of the House bill, which dealt with the raisins, olives, and prunes.

Mr. GROSS. They struck out that section?

Mr. SISK. That is right.

Mr. GROSS. But they did add tomatoes?

Mr. SISK. If I can set the record straight, the House bill did contain tomatoes, so they have not added anything to the bill. All they have actually done is stricken out two of the sections of the bill as it passed the House.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, I regret I failed to hear what the gentleman said. Will he repeat his original request, please?

Mr. SISK. I made a motion to send the bill to conference. The bill I have in mind is S. 1181, and the motion, under rule XX of the House, and pursuant to that and the direction of the committee, is to send it to conference.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GOODLING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 214, nays, 145, not voting 75, as follows:

[Roll No. 420]

YEAS—214

Abbott	Fuqua	O'Neal, Ga.
Abernethy	Galifianakis	O'Neill, Mass.
Adams	Garmatz	Passman
Albert	Gaydos	Patman
Alexander	Gettys	Patten
Anderson, Calif.	Gibbons	Pepper
Anderson, Tenn.	Gonzalez	Perkins
Andrews, Ala.	Gray	Pettis
Andrews, N. Dak.	Green, Oreg.	Philbin
Barrett	Green, Pa.	Pickle
Belcher	Griffin	Pike
Bell, Calif.	Griffiths	Poage
Bennett	Gubser	Podell
Berry	Hamilton	Preyer, N.C.
Bevill	Hammer-	Price, Ill.
Blatnik	schmidt	Pryor, Ark.
Boggs	Hanley	Pucinski
Boland	Hanna	Quie
Brademas	Hansen, Idaho	Quillen
Brasco	Hanges, Wash.	Randall
Brinkley	Hathaway	Rhodes
Brooks	Hays	Roberts
Brotzman	Hébert	Rodino
Brown, Calif.	Heckler, Mass.	Roe
Brown, Ohio	Henderson	Rogers, Colo.
Broyhill, N.C.	Hicks	Rogers, Fla.
Burke, Mass.	Holifield	Rooney, Pa.
Burleson, Tex.	Howard	Rousselot
Burlison, Mo.	Hungate	Ruth
Burton, Calif.	Ichord	St Germain
Byrne, Pa.	Jarman	Saylor
Cabell	Johnson, Calif.	Shipley
Caffery	Jones, Ala.	Sikes
Carney	Jones, N.C.	Sisk
Carter	Jones, Tenn.	Skubitz
Casey	Karth	Slack
Celler	Kastenmeier	Snyder
Chappell	Kazen	Springer
Clark	Kuykendall	Stafford
Cohelan	Kyl	Staggers
Colmer	Kyros	Steed
Conte	Latta	Steiger, Wis.
Corman	Leggett	Stephens
Culver	Lennon	Stubblefield
Daniels, N.J.	Lloyd	Sullivan
Davis, Ga.	Lowenstein	Symington
de la Garza	McCarthy	Talcott
Dent	McCloskey	Taylor
Donohue	McClure	Teague, Calif.
Downing	McFall	Teague, Tex.
Eckhardt	McMillan	Thompson, Ga.
Edmondson	MacGregor	Thompson, N.J.
Edwards, Calif.	Madden	Thomson, Wls.
Eilberg	Mahon	Tiernan
Evans, Colo.	Mann	Ullman
Evins, Tenn.	Mathias	Van Deerlin
Fallon	Matsunaga	Vigorito
Fascell	Melcher	Waggonner
Feighan	Mikva	Wampler
Fisher	Miller, Calif.	Watson
Flood	Mills	Watts
Flowers	Mink	White
Flynt	Mollohan	Whitten
Foley	Monagan	Wiggins
Forsythe	Morgan	Williams
Fountain	Morse	Wilson,
Fraser	Murphy, N.Y.	Charles H.
Frey	Myers	Wright
Friedel	Natcher	Wyatt
Fulton, Pa.	Nelsen	Wyman
	Nichols	Yatron
	Nix	Young
	Obey	Zwach

NAYS—145

Adair	Betts	Broomfield
Addabbo	Biaggi	Brown, Mich.
Arends	Bieber	Buchanan
Ashbrook	Bingham	Byrnes, Wis.
Ashley	Bow	Cederberg
Beall, Md.	Bray	Chamberlain

Clancy	Harvey	Reid, Ill.
Clawson, Del.	Hastings	Reid, N.Y.
Cleveland	Hechler, W. Va.	Reuss
Collier	Helstoski	Riegle
Collins, Tex.	Hogan	Robison
Conable	Hosmer	Rooney, N.Y.
Conyers	Hunt	Rosenthal
Corbett	Hutchinson	Roybal
Coughlin	Jacobs	Ruppe
Cowger	Johnson, Pa.	Ryan
Cramer	Jonas	Sandman
Crane	Keith	Schadeberg
Cunningham	King	Scherie
Daniel, Va.	Koch	Scheuer
Davis, Wis.	Landgrebe	Schmitz
Delaney	Long, Md.	Schneebell
Dellenback	Lujan	Schwengel
Denney	McClary	Scott
Dennis	McDade	Sebelius
Derwinski	McDonald,	Shriver
Devine	Mich.	Smith, Calif.
Dickinson	McEwen	Smith, Iowa
Dorn	Mailliard	Smith, N.Y.
Dulski	Marsh	Stanton
Duncan	Martin	Steele
Dwyer	Mayne	Steiger, Ariz.
Edwards, Ala.	Michel	Stratton
Erlenborn	Miller, Ohio	Taft
Eshleman	Minish	Vanik
Findley	Minshall	Waldie
Fish	Mizell	Ware
Ford, Gerald R.	Moorhead	Weicker
Frelinghuysen	Morton	Whalen
Gialmo	Mosher	Whalley
Goldwater	Nedzi	Whitehurst
Goodling	O'Hara	Widnall
Gross	Pelly	Wilson, Bob
Grover	Pirnie	Wold
Gude	Poff	Wylie
Haley	Pollock	Yates
Hall	Price, Tex.	Zablocki
Halpern	Railsback	Zion
Harsha	Rarick	

NOT VOTING—75

Anderson, Ill.	Esch	Meskill
Annunzio	Farbstein	Mize
Aspinall	Ford,	Montgomery
Ayres	William D.	Moss
Baring	Foreman	Murphy, Ill.
Blackburn	Fulton, Tenn.	O'Konski
Blanton	Gallagher	Olsen
Bolling	Gilbert	Ottenger
Brock	Hagan	Powell
Broyhill, Va.	Harrington	Purcell
Burke, Fla.	Hawkins	Rees
Burton, Utah	Horton	Reifel
Bush	Hull	Rivers
Button	Kee	Rostenkowski
Camp	Kleppe	Roth
Carey	Kluczynski	Roudebush
Chisholm	Landrum	Satterfield
Clausen,	Langen	Stokes
Don H.	Long, La.	Stuckey
Clay	Lukens	Tunney
Collins, Ill.	McCulloch	Udall
Daddario	McKneally	Vander Jagt
Diggs	Macdonald,	Winn
Dingell	Mass.	Wolff
Dowdy	May	Wylder
Edwards, La.	Meeds	

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Farbstein against.

Mr. Edwards of Louisiana for, with Mr. Daddario against.

Mr. Long of Louisiana for, with Mr. Clay against.

Mr. Blanton for, with Mr. Baring against.

Mr. William D. Ford for, with Mr. Aspinall against.

Mr. Fulton of Tennessee for, with Mr. Macdonald of Massachusetts against.

Mr. Hagan for, with Mr. Ottenger against.

Mr. Moss for, with Mr. Powell against.

Mr. Dingell for, with Mr. Stokes against.

Mr. Stuckey for, with Mr. Wolff against.

Mr. Rivers for, with Mr. Gallagher against.

Mr. Kluczynski for, with Mr. Gilbert against.

Mr. Hull for, with Mr. Harrington against.

Mr. Carey for, with Mr. Hawkins against.

Mr. Meeds for, with Mr. Diggs against.

Mr. Kee for, with Mrs. Chisholm against.

Mr. Blackburn for, with Mr. Camp against.

Mr. Horton for, with Mr. Vander Jagt against.

Mrs. May for, with Mr. Winn against.

Mr. Wydler for, with Mr. Anderson of Illinois against.

Mr. Dowdy for, with Mr. Burke of Florida against.

Mr. Landrum for, with Mr. Broyhill of Virginia against.

Mr. Montgomery for, with Mr. Brock against.

Mr. Olsen for, with Mr. Mize against.

Mr. McCulloch for, with Mr. Burton of Utah against.

Until further notice:

Mr. Satterfield with Mr. Ayres.

Mr. Rostenkowski with Mr. Reifel.

Mr. Rees with Mr. Bush.

Mr. Purcell with Mr. Langen.

Mr. Murphy of Illinois with Mr. Button.

Mr. Tunney with Mr. Don H. Clausen.

Mr. Udall with Mr. Kleppe.

Mr. Lukens with Mr. Foreman.

Mr. Meskill with Mr. McKneally.

Mr. O'Konski with Mr. Roth.

Mr. Roudebush with Mr. Esch.

Mr. CULVER, Mr. LOWENSTEIN, and Mr. ROE changed their votes from "nay" to "yea."

Mr. SCHMITZ changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. POAGE, FOLEY, VIGORITO, SISK, BELCHER, TEAGUE of California, and WAMPLER.

FOR THE RELIEF OF PERCY ISPAS AVRAM

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (S. 2102) for the relief of Percy Ispas Avram, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

S. 2102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods of time Percy Ispas Avram has resided in the United States and any State since his lawful admission for permanent residence on December 15, 1962, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 19885, DISTRICT OF COLUMBIA REVENUE ACT OF 1970

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 19885), District of Columbia Revenue Act of 1970, with a Senate amendment thereto,

disagree to the Senate amendment, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. McMILLAN, ABERNETHY, FUQUA, CABELL, NELSEN, BROYHILL of Virginia, and HARSHA.

CONFERENCE REPORT ON H.R. 17825, OMNIBUS CRIME CONTROL ACT OF 1970

Mr. CELLER. Mr. Speaker, I call up the conference report on the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 16, 1970.)

Mr. CELLER (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. CELLER. Mr. Speaker, I am extremely pleased to present to the House a conference report on H.R. 17825. The resolution of the differences between the House and the other body has taken a great many meetings and a great deal of hard negotiation. The conference report, I believe, represents an important step forward in the Federal effort to substantially improve the criminal justice system in this Nation. Enactment of the conference report will be a signal to the States and local governments of the seriousness and of the commitment of the Federal Government to this goal.

The conference report on H.R. 17825 has two main parts. The first is concerned with amendments to the law enforcement assistance program. The second deals with additional subjects matters added to the bill by the other body.

It may be helpful to itemize several of the important provisions of the conference report. These include:

First, appropriations authorization for the current and 2 succeeding fiscal years at levels provided in the Senate version: \$650 million, fiscal 1971; \$1.5 billion, fiscal 1972; and \$1.75 billion, fiscal 1973.

Second, a program for the construction, acquisition, and renovation of corrections facilities on the basis of need, not on the basis of population as provided in the House bill. The conference substitute also adopts the principle of the House bill in earmarking a portion of future funds for the corrections program.

Third, a requirement that LEAA approval of State plans be based on an ex-

press finding that areas of high crime incidence and high law enforcement activity receive adequate assistance.

Fourth, a requirement that the States contribute—or "buy in"—one-quarter of the non-Federal share of funding for law enforcement programs of local government. This key element in the House bill is retained in the conference substitute but its operable date is deferred until July 1, 1972. The principle that the States must contribute to defray the financial burdens borne by local government is a fundamental major element in assuring State responsibility under the block grant approach of law enforcement assistance.

Fifth, a revision of the matching ratios with provision for a higher level of Federal contribution up to 75 percent of program costs. Thus, the State or local matching requirements are reduced to 25 percent beginning in the current fiscal year which should afford immediate and substantial relief to financially hard-pressed State and municipal governments.

Although the House bill authorized Federal expenditures under discretionary grants up to 90 percent of program costs, the conference substitute provides that both block grant funds and discretionary grant funds carry the same matching ratios; namely, 75 Federal, 25 State or local.

Sixth, the conference substitute adopts the Senate version with respect to the troika form of management of the LEAA. The House version abolished the troika and substituted a single Administrator. The Senate amendment which retained the three-member Administration vested all administrative responsibility in the Administrator who was designated as executive head of the agency. It further provided that all policy determinations shall be exercised by the Administrator with the concurrence with at least one of the associates. Although the conference substitute does not go as far as the House bill in modernizing LEAA management, it does eliminate the requirement of unanimity which has hampered effective administration to date.

Seventh, the conference substitute provides for the reallocation of block grant funds as discretionary grants whenever a State has failed to have a plan approved either because it submitted no plan or because the plan it submitted was unacceptable. It also permits reallocation of block grant funds when a State fails to comply with the assurances it has given in its plan, the provisions of the act, or LEAA regulations.

Eighth, the conference substitute also contains a variety of miscellaneous provisions designed to improve the training and educational programs of LEAA. These include: authority to establish and support a training program for State and local prosecuting attorneys and authority to establish law enforcement internships.

ADDITIONAL SUBJECT MATTERS COVERED IN THE CONFERENCE SUBSTITUTE

The Senate amendment added a number of titles to the law enforcement assistance amendments approved by the House. The conference substitute adopts

five of these additional titles. These include:

First. Amendment to the Gun Control Act of 1968 designed to impose stricter sentencing with respect to persons who use a firearm to commit, or who carry a firearm unlawfully during the commission of a Federal felony.

Second. Amendment to the Criminal Appeals Act to broaden and clarify the right of the Government to appeal dismissals of criminal cases.

Third. Protection of Members of Congress—the creation of a Federal offense to kill, kidnap, or assault any Members of Congress or member-of-Congress-elect.

Fourth. Protection of the President—creation of Federal penalties for unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing.

Fifth. Reinstatement of the Wiretap Commission which had been created in 1968 but repealed in the Organized Crime Control Act of 1970.

Mr. Speaker, the amendments to the law enforcement assistance program contained in the conference substitute will substantially increase the level of Federal investment in the criminal justice system. The proposed changes are also intended to stimulate and encourage State and local innovation and improvement. Of particular promise is the new program for the construction, acquisition, and renovation of corrections facilities.

A primary objective of these amendments is to make the entire law enforcement assistance program far more responsive to local crime problems and to insure far greater participation by local governments in the planning process. The law enforcement assistance effort represents, to me, the most promising technique by which the Federal Government can contribute to reducing the level of violence and crime in the streets in this Nation.

I urge my colleagues to support the conference report.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr. POFF. Mr. Speaker, I rise merely to announce the unanimous support of members of the conference for the conference report, and I join with the gentleman from New York (Mr. CELLER) in urging adoption of the report.

The report is a compromise. But unlike many compromises, this compromise I believe to be better than either the House bill or the Senate substitute. Many of the rough edges have been made smooth and many of the unworkable provisions have been made workable.

There were about 50 points in disagreement between the House and the other body. I cannot in this brief time discuss all of those points and their resolution, much less discuss the points on which there was agreement between the two Houses. Rather, I will attempt to focus upon the more significant issues relating to the Law Enforcement Assistance Administration.

It was generally agreed that the present system of administering the law en-

forcement assistance program was cumbersome. Every decision, whether it concerned administration or policy, had to be made by unanimous consent of a three-man board, commonly referred to as the "troika." Although the House bill would have completely abolished the troika and substituted a single Administrator, the conferees decided on a middle position between the House bill and the present law. The conferees decided to retain the troika but to bestow a greater responsibility upon the chief Administrator by granting him all administrative powers. With respect to other functions, powers, and duties, the Administrator would also govern provided that he had the consent of at least one of the two Associate Administrators. If the Administrator should not obtain such consent, it was contemplated by the conferees that the impasse would be resolved by the Attorney General.

The conference adopted the House version of the bill relative the provision concerning the composition of planning agencies. The conference substitute provides that State planning agencies and regional planning units within the State shall be representative of law enforcement agencies, units of general local governments, and public agencies mounting programs to reduce and control crime. The intent of such provision when it passed the House and the intent of the conferees is that the various entities enumerated be included on the State or regional State planning committee. The provision does not mean that such State or regional planning unit be composed only of these entities. Thus there is no intention to exclude from such planning units representation of other interests. Rather the provision sets a minimum mandatory requirement for the composition for such planning units.

The House bill provided an authorization to make grants for the establishment of criminal justice coordinating councils for units of general local government. The Senate substitute had a similar provision to limit such grants to units of general local government having a population of 250,000 or more. Such limitation is not as narrow as it may seem to the uninitiated because section 601(d) of the act defines units of general local government to include counties as well as cities and towns.

Because of the financial straits of both State and cities, the conferees adopted more liberal matching fund formulas. With regard to most law enforcement programs funded under the present act, the Federal share may be up to 60 percent of the cost. This pertains to both block grants and discretionary grants. The conference substitute provides that the Federal share may be up to 75 percent of the cost. It is important to note that the new requirement—like many other provisions of the bill—pertains to the present fiscal year. Although this fiscal year is nearly half over, the administration of the more liberal requirements will not be as difficult as it might seem, because most of the block grants and discretionary grants are made in the second half of the fiscal year.

The conference also adopted a provision which requires that beginning in

fiscal year 1973, at least 40 percent of the Federal share of the funding of any program or project be from money expressly appropriated by the State or local government in the aggregate for such programs or projects—as opposed to donated services or property. This is the so-called hard-match requirement and it pertains equally to block grants and discretionary grants. If a State or local government appropriates money to participate directly in an LEAA program, that is obviously a hard match. But what if the State or local government transfers personnel to participate in LEAA programs or projects? That is not a hard match. It can only be considered a hard match, if the State or local government were to appropriate money to fill the vacancies created by the transfer. The controlling purpose of the hard-match provision is the desire to stimulate new State and local money for imaginative and innovative State and local anticrime programs. This purpose is already enshrined in section 303(10) of the law. The hard-match requirement puts teeth into that legislative purpose. I exhort LEAA to be diligent in overseeing State and local financing of programs so that the will of Congress in this regard may be carried out. I think it noteworthy that other provisions of the conference substitute will provide criminal penalties for misrepresentation of material facts in seeking assistance from LEAA.

The House conference agreed to three criminal penalty provisions added by the Senate to provide additional protection beyond those already available in the Federal criminal courts against embezzlement or stealing of funds, assets, and property which are the subject of LEAA grants or contracts. The Senate added those provisions "out of an abundance of caution," since it seems clear that provisions of present law already cover some or all of these actions. Referring to page 52 of Senate Report 91-1253, sections 1001 and 371 of title 18 of the United States Code and the case of *United States v. Thompson*, 366 F. 2d 167 (6th Cir. 1966), cert denied, 389 U.S. 973 (1967), these new penalty provisions will be important supplements to existing Federal laws and will go far to protect against misuse of LEAA funds. It is expected that the Justice Department will vigorously enforce these provisions.

The House bill provided that no State plan should be approved unless the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problem in areas of high crime incidence. The Senate version provided that no State plan should be approved unless it provided for the allocation of an adequate share of benefits of assistance to areas characterized by high law enforcement activity. The conference compromise provided that no State plan should be approved unless it provide for the allocation of adequate assistance to areas categorized by both high crime incidence and high law enforcement activity. It was feared that reliance solely upon the single standard of high crime incidence might invite an artificial statistical crime wave. On the other hand it was noted that the provision of

DIGEST of Congressional Proceedings

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OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
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For actions of December 18, 1970
91st-2nd; No. 204

CONTENTS

Agricultural progress...12	4-H Clubs.....26	Mushrooms.....23
Agricultural research...24	Foreign trade.....28	Redwood National Park..14
Air quality.....6	Grazing fees.....13	Relocation assistance..16
Beet sugar.....11	Highways.....18	Research facilities....21
Coffee.....19	Housing and Urban Development Act (1970).7	Rivers, harbors, & flood control.....17
Conservation.....23	Land-grant funds.....30	Social security.....10
C. Revenue.....20	Land use.....25	Sugar Act.....29
Disaster relief.....5	Milk, tomatoes, & potatoes.....8	Tariffs.....3
Export-Import Bank.....1	Mining and minerals.....9	Taxation.....4
Food prices.....22		Tobacco quotas.....2
Food stamps.....15		National parks.....27

HIGHLIGHTS: Senate passed bills providing duty-free entry for reimported articles failing to meet certain requirements, and providing taxable interest on insured loans.

Senate agreed to conference report on disaster relief bill.

Senate appointed conferees on milk, tomato, and potato promotion bill.

House appointed conferees on food stamp bill.

House agreed to amendments to relocation assistance bill.

House agreed to conference report on highway construction bill.

House passed bill continuing Coffee Agreement.

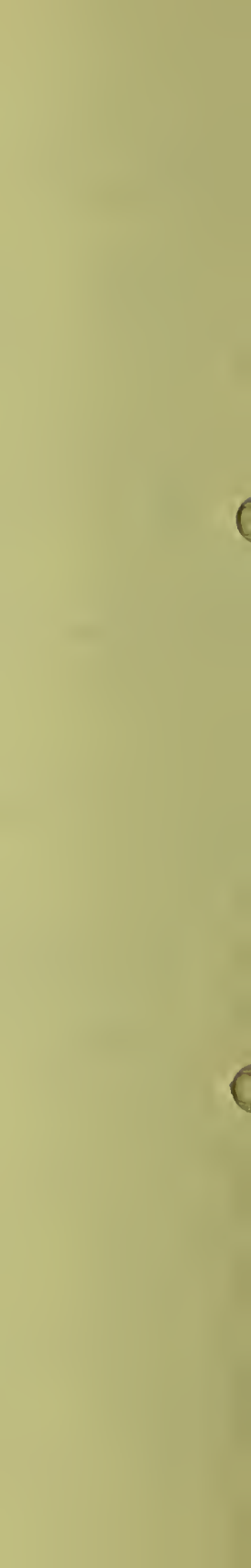
Sen. Dole inserted President's address at Beltsville.

Sen. Cannon criticized grazing fees increase.

SENATE

1. EXPORT - IMPORT BANK. Passed with committee amendment S. 4268 to facilitate greater expansion of U.S. export trade by excluding Export-Import Bank receipts and disbursements for the U.S. budget. pp. S20545-9
2. TOBACCO-QUOTAS. Passed without amendment S.J. Res. 249, to extend the time for proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971. p. S20545
3. TARIFFS. Passed without amendment H.R. 9183 to provide duty-free entry for imported articles which are exported and thereafter reimported to the U.S. for failure to meet certain specifications. This bill now goes to the President. p. S20571
4. TAXATION. Passed without amendment H.R. 15979 to provide that the interest on certain insured water and waste facility loans shall be included in the gross income of the insured holder for tax purposes. This bill now goes to the President.. pp. S20571-2
5. DISASTER RELIEF. Agreed to conference report on S. 3619, establishing a comprehensive Federal program for disaster relief and assistance. This bill now goes to the President. pp. S20581-5.
6. AIR QUALITY. Both Houses agreed to the conference report on H.R. 17255 providing the establishment of air quality standards. This bill now goes to the President. pp. S20597-611, H12058-63
7. HOUSING AND URBAN DEVELOPMENT ACT OF 1970. Agreed to conference report on H.R. 19436 to provide for the establishment of a national urban growth policy. pp. S20654-8.
8. MILK, TOMATOES, AND POTATOES. Agreed to conference with the House to provide under S. 1181 authority for promotion programs for milk, tomatoes, and potatoes; conferees appointed. p. S20581.
9. MINING AND MINERALS. Agreed to House amendment and cleared for the President S. 719, to establish a national mining and minerals policy. pp. S20611-3.
10. SOCIAL SECURITY. Continued consideration of H.R. 17550, proposed social security amendments, trade act amendments and family assistance bill. pp. S20618-38; 20659-60.
11. BEET SUGAR. Senator Bennett referred to the 100th anniversary of the U.S. beet sugar industry on November 17. pp. S20693-4.





Mr. BIBLE. Mr. President, I am not going to interpose an objection. I believe the parliamentary situation accomplished by this is that it permits a Senator to speak more than twice today on this bill, because we do not actually come to grips with the conference report itself until such time as it is laid before the Senate. I think this accomplishes it.

Since the vote on the cloture motion is set for 11 a.m. tomorrow, and since we are only going to work on this particular part of our many problems between now and 3 p.m., I interpose no objection to the request of the Senator from Indiana.

This is a motion to postpone the consideration of the conference report until 10 a.m. tomorrow. Is that correct?

Mr. BAYH. That is correct. I might say to the Senator from Nevada that I would be perfectly happy to discuss this motion with him from now until 12 o'clock.

Mr. BIBLE. I do not think it will take us quite that long to discuss it. I would ask only one question, which I think can be answered quickly, and I think I know the response: Does this meet with the approval of the distinguished Senator from Wisconsin, who has asserted himself in this SST problem for some period of time?

Mr. BAYH. Yes.

Mr. BIBLE. I think he made the same motion, himself, the day before yesterday. If it meets with his approval, I have no objection. I am sure that the Senators from Washington have no objection to this procedure. The only thing that is accomplished by it is that it permits those who want to talk on the SST to talk more than twice in this legislative day. Is that not correct?

Mr. BAYH. The Senator from Nevada is correct. The Senator from Indiana has no desire at this time to speak more than once. Technically, I think the Senator from Nevada is correct. The Senator from Indiana has checked with the Senator from Wisconsin, and he is in complete agreement with this motion.

Mr. BIBLE. Would the Presiding Officer have the clerk state the motion of the Senator from Indiana, so that I am clear on what is being done? I think I know what is being done, but I want to be sure.

The PRESIDING OFFICER. Will the Senator from Indiana please send the motion to the desk?

Mr. BAYH. I will be glad to read it myself, and then the clerk can read it, so that there will be no question about it.

I move to postpone the consideration of the conference report on Department of Transportation appropriations until tomorrow, Saturday, December 19, 1970.

Mr. MANSFIELD. Mr. President, I wish the Senator from Indiana would not press that motion, because I would have to oppose it. An agreement has been reached that this would be the pending business during the first shift so to speak from now up to and including the 22d of this month.

I think that the manager of the bill and those most interested on both sides have been most courteous and considerate in allowing other noncontroversial or slightly controversial proposals to intervene.

It was my understanding, in talking with the Senator from Indiana, that he wanted to clear up a conference report on national disasters, which I understand would only take 2 or 3 minutes and is noncontroversial. But I would hope that the Senator would not press that motion, because there is nothing to be gained. It is debatable, and it will be debated if it is pressed.

Mr. BAYH. The Senator from Indiana in no way wants to interfere with the normal legislative process that was established by the filing of the cloture motion yesterday.

I would be prepared to withdraw this motion and ask unanimous consent that I be permitted to deliver a speech which will not count against me.

The PRESIDING OFFICER. Is there objection?

Mr. BIBLE. Mr. President, would the Senator from Indiana restate that? Unanimous consent to do what?

Mr. BAYH. Let me rephrase it.

Mr. BIBLE. I assured the distinguished Senator from Wisconsin the other evening—if it throws any light on this parliamentary entanglement—that I had no objection to his speaking. I do not want to foreclose anybody's rights in this matter.

Mr. BAYH. Mr. President, I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

The Senator from Nevada is recognized.

Mr. BIBLE. Mr. President, as I understand, the pending business is the adoption of the conference report.

The PRESIDING OFFICER. The Senator is correct.

Mr. BIBLE. The yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BIBLE. Mr. President, without losing my right to the floor, I yield to the distinguished Senator from North Dakota for 2 minutes.

POTATO AND TOMATO PROMOTION PLANS

Mr. YOUNG of North Dakota. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1181.

The PRESIDING OFFICER laid before the Senate S. 1181, an act to provide for potato and tomato promotion programs.

Mr. YOUNG of North Dakota. Mr. President, I move that the Senate insist on its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees.

The motion was agreed to, and the Chair appointed Mr. ELLENDER, Mr. HOLLAND, Mr. EASTLAND, Mr. AIKEN, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding officer (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. BIBLE. Mr. President, the pending business is on adoption of the conference report on the appropriation for the Department of Transportation, is that correct?

The PRESIDING OFFICER. Yes; and the yeas and nays have been ordered.

Mr. BIBLE. The yeas and nays are still ordered. I thank the Chair.

Mr. President, I now yield the floor.

Mr. BAYH. Mr. President—

The PRESIDING OFFICER. The Senator from Indiana is recognized.

FEDERAL PROGRAMS FOR RELIEF FROM EFFECTS OF MAJOR DISASTERS—CONFERENCE REPORT

Mr. BAYH. Mr. President, I ask unanimous consent that, without losing my right to the floor, or having this count as another speech against the Senator from Indiana, as the chairman of the Senate conferees on the Disaster Relief Act conference committee, we temporarily put aside the pending business long enough to consider a conference report on the Disaster Relief Act of 1970.

Mr. BIBLE. Mr. President, reserving the right to object—and I do not think I shall object—do I understand correctly that this is a request of the Senator from Indiana merely to call up a conference report, which has been agreed to on both sides of the aisle, if I am correctly advised, and will occupy not over 15 minutes?

Mr. BAYH. That is right.

Mr. BIBLE. I did not catch any time limit.

Mr. BAYH. Mr. President, I ask unanimous consent that the time allotted to the conference report not exceed 15 minutes.

Mr. BIBLE. With the further understanding that at the termination of the 15 minutes and disposition of the conference report, the pending business will be adoption of the conference report on the Department of Transportation.

Mr. BAYH. That certainly is the intention of the Senator from Indiana.

Mr. BIBLE. I was sure that it was, of course.

Mr. SCOTT. Mr. President, I take it there is no expectation of a rollcall vote to be taken on this matter which the Senator from Indiana has in mind.

Mr. BAYH. The Senator from Indiana does not intend to ask for a rollcall vote. He cannot speak for other Members of this body, of course, but he knows of no one who wants to ask for a rollcall vote.

The PRESIDING OFFICER (Mr. STEVENSON). Is there objection to the request of the Senator from Indiana? The Chair hears none, and it is so ordered.

Mr. BAYH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3619) to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. STEVENSON). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 15, 1970, pages H11729-H11734, CONGRESSIONAL RECORD.)

Mr. BAYH. Mr. President, the conferees on S. 3619 have agreed on a bill that establishes a basic, comprehensive Federal disaster relief program. It is intended to be permanent law. It aims at coordinating disaster relief and recovery efforts of all appropriate Federal, State, and local authorities, and all disaster relief and assistance organizations under a single, coherent law, so that when a major disaster occurs anywhere in the country, the full resources and capabilities of both the public and the private sectors can be marshalled to cope with the immediate threat to life and property and to undertake the long, difficult and costly task of repair, restoration, reconstruction and replacement.

It reenacts a number of provisions earlier written into law in 1950, 1966 and 1969; it repeals existing laws of those years; and it advances several new programs for responding effectively to major disasters.

This is the culmination of years of effort by many earnest and hard working members of both Houses. I wish to pay tribute to the statesmanlike approach demonstrated once again by our colleagues from the House Committee on Public Works, Representatives JONES of Alabama, WRIGHT of Texas, JOHNSON and CLAUSEN of California, and SCHWENGL of Iowa, who were the managers of the bill on the part of the House in this conference.

I wish also to express my deep appreciation for the intelligent and imaginative contribution made by my colleagues on the Special Subcommittee on Disaster Relief of the Senate Committee on Public Works: Senators SPONG, EAGLETON, GRAVEL, DOLE, GURNEY, and PACKWOOD.

My special gratitude goes to the chairman of the full committee, the distinguished Senator from West Virginia, JENNINGS RANDOLPH, under whose leadership the special subcommittee was formed and the investigations and hearings relating to enactment of this legislation were carried forward.

I also want to recognize the contribution of our distinguished ranking minority member, the Senator from Kentucky, JOHN SHERMAN COOPER. Many of the provisions of the bill he introduced, S. 3745, the Administration's Disaster Relief Act, have been incorporated in the bill before us.

Likewise, I wish again to thank the members of the Senate Committee on Banking and Currency and especially its chairman, Senator JOHN SPARKMAN, for the advice and counsel that they provided us in preparing this bill for submission to the Senate.

I will not take the time of the Senate to repeat the detailed description of this bill which appears in Senate Report 91-1157 and in the CONGRESSIONAL RECORD of September 9 of this year, beginning on page S15093.

It is enough to say, I believe, that, as agreed to in the conference, the bill follows the format of the Senate bill and includes a number of significant provisions that were contained in the House version.

Perhaps the most important of these is section 241 authorizing grants to local governments which, as a result of a major disaster, have suffered a substantial loss of property tax revenue. The Senate bill had proposed a community disaster loan fund for this purpose, but in the conference we were persuaded that the House approach was more equitable and would be a greater assistance to communities that had been ravaged by natural catastrophes.

It will be of interest to the members of the Senate Banking Committee that the disaster loan interest rate formula proposed by them was retained in the conference report with the addition of a 6-percent interest rate ceiling on any such loan. Likewise, the proposal of the Banking Committee, to treat veterans who hold direct GI loans in the same fashion as those who have guaranteed loans, was agreed to by the conferees. In addition, section 231 relating to small business disaster loans, including programs under both section 7(b)(1) and subsections (2) and (4) of the Small Business Act.

One feature of this legislation which has attracted widespread interest is the official recognition given to the Salvation Army and the Mennonite Disaster Service, as well as other relief and disaster assistance organizations.

Mr. President, in 1965 several Senators started work on a major overhaul of the disaster laws of this land. It has been a difficult struggle. The battle has been largely won and consummated by the adoption of this conference report. There are many people who are directly responsible for it. I allude to just two at this particular time; namely, the Senator from Virginia (Mr. SPONG) who was a member of the special subcommittee on disaster relief and one of the conferees, and the Senator from Kansas (Mr. DOLE), another member of the subcommittee and also one of the conferees. This was greatly helped by the strong assistance of our two colleagues from Mississippi, Mr. EASTLAND and Mr. STEN-

NIS. When Hurricane Camille ravaged the gulf coast, they were very helpful, as were many others.

Mr. EASTLAND. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. EASTLAND. Mr. President, the distinguished Senator from Indiana (Mr. BAYH) left himself out. I think that he and the other conferees did a magnificent job on this conference. This is a good bill. If it had not been for the dogged determination of my good friend from Indiana, I do not believe this conference report would be before the Senate today. It will be a monument to the distinguished Senator from Indiana in the future.

Mr. BAYH. I certainly appreciate the kind remarks of my friend from Mississippi. I should point out—

Mr. EASTLAND. I should add that all the conferees have performed a very distinguished service in this conference report. It certainly will mean a lot to my State.

Mr. BAYH. I certainly appreciate the thoughtful remarks of the Senator from Mississippi. He has been very helpful.

One member of his staff, Bill Simpson, has been doggedly determined also. He worked closely with me and other members of the conference committee, as well as with the Committee on Public Works, and I appreciate his fine work.

What this bill will do, let me say quickly for the sake of saving time, is to establish once and for all, in one place the bedrock law of the land, a national policy for the provision of assistance for those who suffer severe losses in major disasters.

The history of disaster legislation in this country has been such that it has been spread over the record in so many places that it would take a Perry Mason and all his assistants to discover it. How the statutes and regulations would apply in any given situation also compounded the problem. We have now established, in one law, in advance of the time a disaster strikes, the various kinds of help that will be available to aid the helpless souls stricken by acts of nature.

Mr. President, the bill will greatly increase the commitment and the responsibility of the Government so far as what should be done with respect to providing help for those individuals who are the victims of a disaster.

Some of us have been conscience stricken by the inequity of the situation, in which our people would spend hundreds of millions of dollars whenever other nations were hit by disasters, which of course is in the finest tradition of American concern for others, but our laws did not provide adequate relief and help for our own citizens, in our own land, when they were hit by disasters.

Now we will have on the statute books if the Senate will enact and the President will sign this measure, a law which should do much to remedy the situation and provide meaningful, substantial assistance to disaster victims.

Mr. President, that is all I care to say at this time.

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For actions of December 21, 1970
91st-2nd; No. 206

CONTENTS

Adjournment.....6	National Park.....5,9	Sen. Holland.....8
Appropriations.....12	National Seashore.....5	Social Security.....6
Commodities.....11	Manpower.....6	Tomato Promotion.....1
Energy.....14	Overtime.....10	Tobacco.....2,11
Food Stamps.....3	Personnel.....4	Water Bank.....13
Health Service Corps.....6	Potato Promotion Program.1	
Inspection.....10	Research Facilities.....7	

HIGHLIGHTS: Senate committee reported Voyageurs National Park bill.
Both Houses accepted D. C. Revenue conference report.
Conferees filed report on potato and tomato promotion bill.
House passed resolution extending proclamation of tobacco
marketing quotas.
Rep. Poage explained most significant disagreements in Senate-
and House-passed food stamp amendments.

HOUSE

1. BILLS REPORTED.

Conferees filed a report on S. 1181, providing for potato and tomato
promotion programs (H. Rept. 91-1790). pp. H12217-20, H12249~

2. TOBACCO. Passed without amendment S. J. Res. 249 (in lieu of H. J. Res. 1415), extending the time for proclamation of marketing quotas for burley tobaccos for the 3 marketing years beginning October 1, 1971. This bill now goes to the President. p. H12174
3. FOOD STAMPS. Rep. Poage explained the position of the House conferees on the food stamp bill with regard to the two major items of disagreement. pp. H12248
4. PERSONNEL. Passed under suspension of the rules S. 11, with amendment, proposed Intergovernmental Personnel Act of 1970. p. H12179-91

SENATE

5. BILLS REPORTED.

Committee on Interior and Insular Affairs reported the following bills:

H. R. 19342, establishing the Chesapeake & Ohio Canal National Historical Park (S. Rept. 91-1512)

H. R. 10482, with amendments, establishing the Voyageurs National Park (S. Rept. 91-1513); and

H. R. 10874, with amendment, establishing the Gulf Islands National Seashore (S. Rept. 91-1514). p. S20095

6. FLOOR ACTION.

Both Houses accepted the conference report on H. R. 19885, the D. C.

Revenue bill. This bill now goes to the President. pp. H12177-8, S20948
Agreed to S. Con. Res. 87, providing for the adjournment of Congress from c.o.b. on Tuesday, Dec. 22, until noon, Monday, Dec. 28. p. S20938

Agreed to the House amendments to S. 4106, establishing a National Health Service Corps to provide improved health care in rural and urban poverty areas. This bill now goes to the President. pp. S20934-7

Continued consideration of H. R. 17550, the proposed Social Security amendments. pp. S20938-51

Failed to override the Presidential veto of S. 3867, manpower training bill. pp. S20966-91

7. RESEARCH FACILITIES. Received a report from the Director of Science and Education, USDA, on facilities for research at State Agricultural Experiment Stations as of June 30, 1971; to the Committee on Agriculture and Forestry. p. S20995

8. SEN. HOLLAND. Several Senators inserted additional tributes to Sen. Holland. pp. S21001-2, S21013, S21014

9. NATIONAL PARK. Sen. Yarborough praised Senate passage of the Big Thicket National Park bill and included material on the proposed Park. pp. S21023-5

BILLS INTRODUCED

10. INSPECTION. S. 4598, by Sen. Bellmon, to amend the Act of August 28, 1950, enabling the Secretary of Agriculture to furnish, upon a reimbursable basis, certain inspection services involving overtime work; to the Committee on Agriculture and Forestry.



POTATO AND OTHER COMMODITY PROMOTION PROGRAMS

DECEMBER 21, 1970.—Ordered to be printed

Mr. POAGE, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 1181]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendments of the House to the bill (S. 1181) to provide for potato and tomato programs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—ADVERTISING PROJECTS: MILK

SEC. 101. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

“(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research is required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers’

cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order. Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

TITLE II—TOMATO ADVERTISING PROJECTS

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or apples" in the first proviso, and inserting in lieu thereof "apples, or tomatoes".

TITLE III—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 302. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundred-weight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of \$561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 303. As used in this title:

- (a) The term "Secretary" means the Secretary of Agriculture.
- (b) The term "person" means any individual, partnership, corporation, association, or other entity.
- (c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.
- (d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.
- (e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.
- (f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 304. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 305. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 306. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 307. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 308. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board, as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a) (4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: Provided, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 309. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: Provided, however, That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: And provided further, That such promotional activities shall comply with the provisions of section 303(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous

coordinated program of research, development, advertising, and promotion in years when the production and assessment income may be reduced: *Provided, That the total reserve fund does not exceed the amount budgeted for two years' operation.*

(f) *Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.*

(g) *Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.*

ASSESSMENTS

SEC. 310. (a) *Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize differences in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.*

(b) *Handlers responsible for payment of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.*

(c) *All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—*

(1) *the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or*

(2) *the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.*

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 311. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: Provided, That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 312(a) of this title.

ENFORCEMENT

SEC. 312. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than \$100 nor more than \$1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 313. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers,

and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpoena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 314. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 310(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 315. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 316. *The provisions of this title applicable to plans shall be applicable to amendments to plans.*

SEPARABILITY

SEC. 317. *If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.*

AUTHORIZATION

SEC. 318. *There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: Provided, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.*

EFFECTIVE DATE

SEC. 319. *This title shall take effect upon enactment.*

TITLE IV—RESTRICTIONS ON IMPORTED COMMODITIES

SEC. 401. *Section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between "tomatoes" and "avocados," the following: "raisins, olives (other than Spanish-style green olives), prunes".*

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

An Act to provide authority for promotion programs for milk, tomatoes, and potatoes, and to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes.

And the Senate agree to the same.

W. R. POAGE,
THOMAS S. FOLEY,
JOSEPH P. VIGORITO,
B. F. SISK,
CHARLES M. TEAGUE,
WILLIAM C. WAMPLER,
Managers on the Part of the House.

ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
JAMES O. EASTLAND,
GEORGE D. AIKEN,
MILTON R. YOUNG,
Managers on the Part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill, S. 1181, to provide authority for promotion programs for milk, tomatoes and potatoes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The House passed S. 1181 with an amendment incorporating the language of H.R. 18884. Thereafter the Senate struck the House amendment to S. 1181 and inserted in lieu thereof the language of S. 4560. The Senate amendment to the House amendment, while dealing with the same subject matter, differed in two material respects: (1) The Senate language restricted the authority to amend marketing orders for the purpose of authorizing research and promotion checkoff programs to tomatoes; the House version would have authorized research and promotion amendments to all marketing orders. (2) Additionally, the Senate-passed bill deleted the restriction against the importation of olives (except Spanish-style green olives), raisins, and prunes unless they are able to comply with standards applicable to domestically produced commodities on the basis of grade, size, quality and maturity.

The amendment herewith reported embodies the agreement of the conferees on the various points of difference in the House bill and the Senate amendment.

The conference substitute follows the structure of the House bill as to the order and arrangement of titles.

Following is a discussion of the substitute amendment as agreed to by the conferees:

TITLE I—ADVERTISING PROJECTS MILK

This title of the conference substitute is identical to the version passed by both the House and Senate.

TITLE II—TOMATO ADVERTISING PROJECTS

The conference substitute is identical to the language approved by the Senate. The House-passed bill would have authorized amendments to marketing orders for all commodities (other than milk) for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational and other programs designed to promote domestic marketings and consumption. The conferees agreed to extend this authority only to tomato marketing orders.

TITLE III—POTATO RESEARCH AND PROMOTION

The language of this title is identical to that which passed both the House and the Senate.

TITLE IV—RESTRICTIONS ON IMPORTED COMMODITIES

The language of this title is identical to that which was contained in the House-passed bill. The Senate bill was silent on this subject.

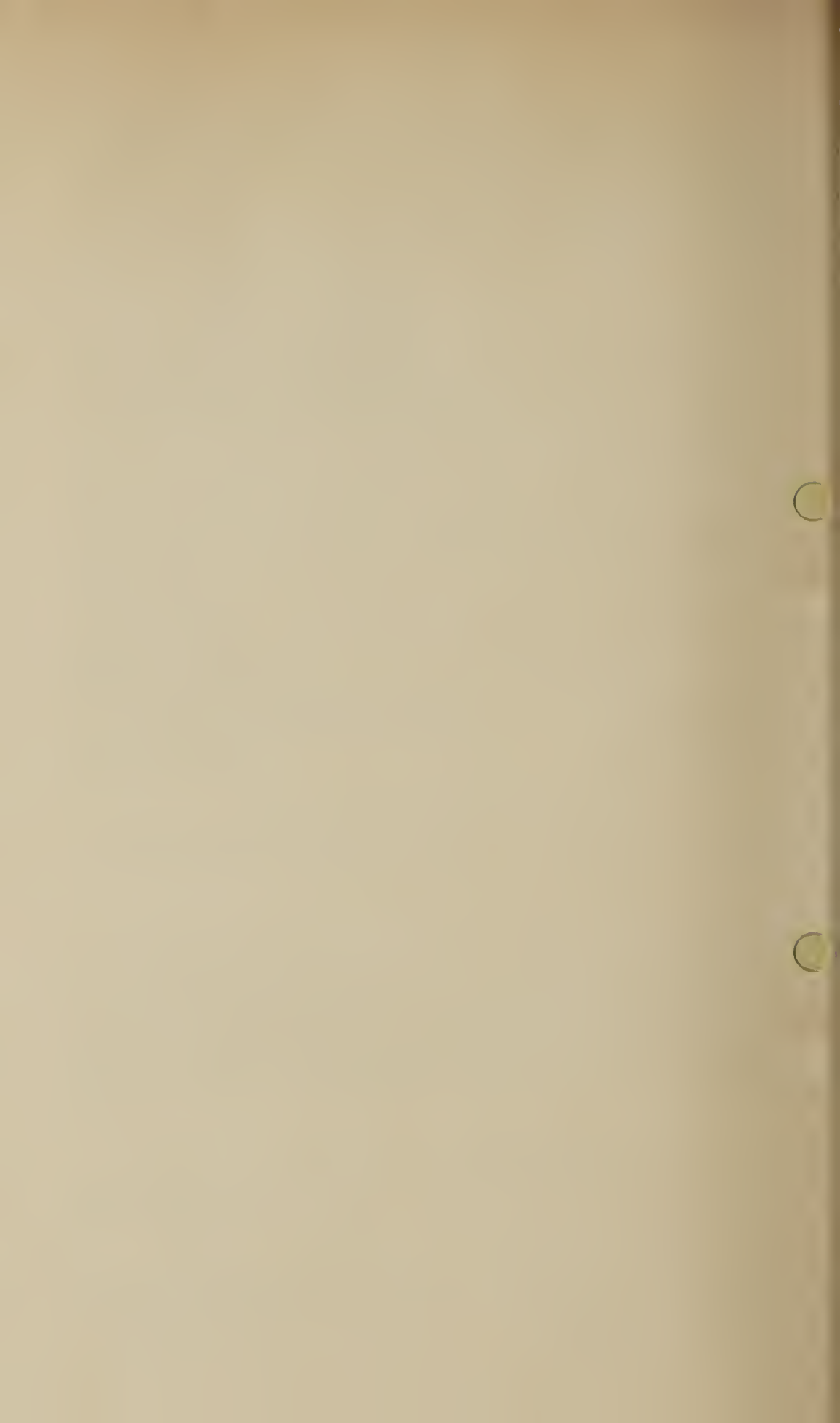
Briefly stated this title would provide that if domestic orders adopt standards controlling grade, size, quality and maturity with respect to the marketing of olives (other than Spanish-style green olives), raisins, and prunes, then imported commodities must also comply with these same standards.

In view of the addition of Title IV, described above, the title of the bill has, of necessity, been amended.

W. R. POAGE,
 THOMAS S. FOLEY,
 JOSEPH P. VIGORITO,
 B. F. SISK,
 CHARLES M. TEAGUE,
 WILLIAM C. WAMPLER,

Managers on the Part of the House.

○



Mr. Clay with Mr. Mize.
 Mr. Collins of Illinois with Mr. Button.
 Mr. Brown of California with Mr. Mathias.
 Mr. Reifel with Mr. McKneally.
 Mr. Roubesh with Mr. Cunningham.
 Mr. Ruppe with Mr. Ware.
 Mr. Saylor with Mr. Winn.
 Mr. Rath with Mr. Zwach.
 Mr. Schadeberg with Mr. Steiger of Arizona.
 Mr. Weicker with Mr. Wyatt.

Mr. WHITE and Mr. BROYHILL of Virginia changed their votes from "yea" to "nay."

Mr. LOWENSTEIN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1181, POTATO AND OTHER COMMODITY PROMOTION PROGRAMS

Mr. SISK submitted the following conference report and statement on the bill (S. 1181) to provide for potato and tomato programs:

POTATO AND OTHER COMMODITY PROMOTION PROGRAMS

CONFERENCE REPORT (H. REPT. No. 91-1790)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendments of the House to the bill (S. 1181) to provide for potato and tomato programs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—ADVERTISING PROJECTS: MILK

SEC. 101. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

"(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research is required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs

which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16) (B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order. Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

TITLE II—TOMATO ADVERTISING PROJECTS

SEC. 201. Section 8c(6) (I) of the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or apples" in the first proviso, and inserting in lieu thereof "apples, or tomatoes".

TITLE III—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 302. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of \$561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of any effective and continuous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 303. As used in this title:

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 304. The effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 305. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 306. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 307. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 308. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board, as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a) (4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and

disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 309. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however*, That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further*, That such promotional activities shall comply with the provisions of section 308(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising, and promotion in years when the production and assessment income may be reduced: *Provided*, That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 310. (a) Each handled designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize differences in marketing practices or producers utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for payment of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and

records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 311. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 312(a) of this title.

ENFORCEMENT

SEC. 312. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal pros-

ecution and shall be fined not less than \$100 nor more than \$1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 313. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpoena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 314. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The

ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 310(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 315. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 percentum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 316. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 317. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 318. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 319. This title shall take effect upon enactment.

TITLE IV—RESTRICTIONS ON IMPORTED COMMODITIES

SEC. 401. Section 8e of the Agricultural Adjustment Act of 1933, as amended, as amended, and as amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between "tomatoes" and "avocados," the following: "raisins, olives (other than Spanish-style green olives), prunes".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "An Act to provide authority for promotion programs for milk, tomatoes, and potatoes, and to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended, to provide for the extension of restrictions on imported commodities im-

posed by such section to imported raisins, olives, and prunes."

And the Senate agree to the same.

W. R. POAGE,
THOMAS S. FOLEY,
JOSEPH P. VIGORITO,
B. F. SISK,
CHARLES M. TEAGUE,
WILLIAM C. WAMPLER,

Managers on the Part of the House.

ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
JAMES O. EASTLAND,
GEORGE D. AIKEN,
MILTON R. YOUNG,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill, S. 1181, to provide authority for promotion programs for milk, tomatoes and potatoes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The House passed S. 1181 with an amendment incorporating the language of H.R. 18884. Thereafter the Senate struck the House amendment to S. 1181 and inserted in lieu thereof the language of S. 4560. The Senate amendment to the House amendment, while dealing with the same subject matter, differed in two material respects: (1) The Senate language restricted the authority to amend marketing orders for the purpose of authorizing research and promotion checkoff programs to tomatoes; the House version would have authorized research and promotion amendments to all marketing orders. (2) Additionally, the Senate-passed bill deleted the restriction against the importation of olives (except Spanish-style green olives), raisins, and prunes unless they are able to comply with standards applicable to domestically produced commodities on the basis of grade, size, quality and maturity.

The amendment herewith reported embodies the agreement of the conferees on the various points of difference in the House bill and the Senate amendment.

The conference substitute follows the structure of the House bill as to the order and arrangement of titles.

Following is a discussion of the substitute amendment as agreed to by the conferees:

TITLE I—ADVERTISING PROJECTS MILK

This title of the conference substitute is identical to the version passed by both the House and Senate.

TITLE II—TOMATO ADVERTISING PROJECTS

The conference substitute is identical to the language approved by the Senate. The House-passed bill would have authorized amendments to marketing orders for all commodities (other than milk) for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational and other programs designed to promote domestic marketings and consumptions. The conferees agreed to extend this authority only to tomato marketing orders.

TITLE III—POTATO RESEARCH AND PROMOTION

The language of this title is identical to that which passed both the House and the Senate.

TITLE IV—RESTRICTIONS ON IMPORTED COMMODITIES

The language of this title is identical to that which was contained in the House-

passed bill. The Senate bill was silent on this subject. Briefly stated this title would provide that if domestic orders adopt standards controlling grade, size, quality and maturity with respect to the marketing of olives (other than Spanish-style green olives), raisins, and prunes, then imported commodities must also comply with these same standards.

In view of the addition of Title IV, described above, the title of the bill has, of necessity, been amended.

W. R. POAGE,
THOMAS S. FOLEY,
JOSEPH P. VIGORITO,
B. F. SISK,
CHARLES M. TEAGUE,
WILLIAM C. WAMPLER,
Managers on the Part of the House.

APPOINTMENT OF CONFEREES ON H.R. 18306, U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. REUSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? The Chair hears none, and appoints the following conferees: Messrs. BARRETT, REUSS, ASHLEY, MOORHEAD, WIDNALL, STANTON, and BROWN of Michigan.

EXPANSION OF UNITED NATIONS HEADQUARTERS IN THE UNITED STATES

Mr. GALLAGHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the Joint Resolution (H.J. Res. 1146) authorizing a grant to defray a portion of the cost of expanding the United Nations Headquarters in the United States.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1146), with Mr. PHILBIN in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. GALLAGHER) will be recognized for 30 minutes and the gentleman from New Jersey (Mr. FRELINGHUYSEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. GALLAGHER).

(Mr. GALLAGHER asked and was given permission to revise and extend his remarks.)

Mr. GALLAGHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not sure whether we should take so much time. We had a rather wild and wooly debate on the rule, and the issues that normally would be discussed during this time have been discussed heretofore.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Illinois.

Mr. FINDLEY. It seems to me a question which may be on the minds of many Members of this body—and perhaps the distinguished chairman of the subcommittee would direct his remarks to that question—is the following: Is this really the best bargain we can reasonably expect to get in respect to the enlargement of the U.N. facilities in the foreseeable future? It seems to me that is a fundamental question. Perhaps the gentleman would consent to consider that question.

Mr. GALLAGHER. I appreciate the suggestion of the gentleman. That perhaps is the central issue of this bill, whether or not the United States can, in effect, at some later date, if we postpone action on this bill, get a better bargain?

We can get out for less money if we make a determination that the United Nations should fragmentize. But that, in my view, is no bargain.

There are several alternatives. One is that we do nothing here today. That would mean the United Nations and its related agencies, which now pay rent throughout the city of New York, would continue to do that. But in September, when the General Assembly meets again, notice will have been served by our inaction and the agreement to which the United Nations and the city of New York and the United States are partners, would in effect become null and void.

We would then be faced with the alternative of fragmentizing the United Nations, of going to Vienna or Geneva with the U.N. Development Program and the Children's Fund, or of continuing to pay rents which are not very economic at all.

Or, if the thinking of the gentleman from the city of New York should prevail, the United States could pay double the amount that we are asking for here today.

That really is the issue which is contained in today's debate.

Now, Mr. Chairman, I would like to address myself to the provisions of the resolution before us.

This resolution would authorize an appropriation of not to exceed \$20 million for a grant contribution to the United Nations to defray a part of the cost of improving and expanding the United Nations headquarters in the city of New York.

This contribution would be made at the discretion of the Secretary of State on such terms and conditions as he may determine, and would not be considered a contribution for purposes of any existing law which limits U.S. contributions to the U.N.

The need for the enactment of this

authorization is urgent. For a number of years the United Nations has been considering the feasibility of expanding its headquarters in New York City. The reason for this is that the United Nations has been successful—perhaps not to the extent most of us would like to see it succeed, but it has been successful to the extent of surviving and outliving its present building.

The existing U.N. headquarters was completed nearly 20 years ago. It was designed to serve a maximum membership of 70 members. At that time, Members will recall, the membership of the United Nations was but 59. It was not considered that the growth would come to what it is at the present day, 127 members, or nearly twice what it was 20 years ago.

As a result, the United Nations has had to crowd some functions and to rent commercial space for some of its activities. The annual rental fee for that space amounts to nearly \$2 million.

This is the point which is overlooked by some members of the Appropriations Committee who say that our contribution will be greater than the \$20 million we are asking.

Actually, it will be greater, but we are already making a special contribution for rent payments. This contribution will, in effect, be eliminated when the new facilities are constructed.

It should also be borne in mind that over the years, many U.N. programs and related undertakings, have been dispersed over several continents to the point that today less than 20 percent of the United Nations employees work in New York.

Any further decentralization of United Nations activities, particularly those which relate to policymaking and systems control, which is the issue here, would be most inadvisable.

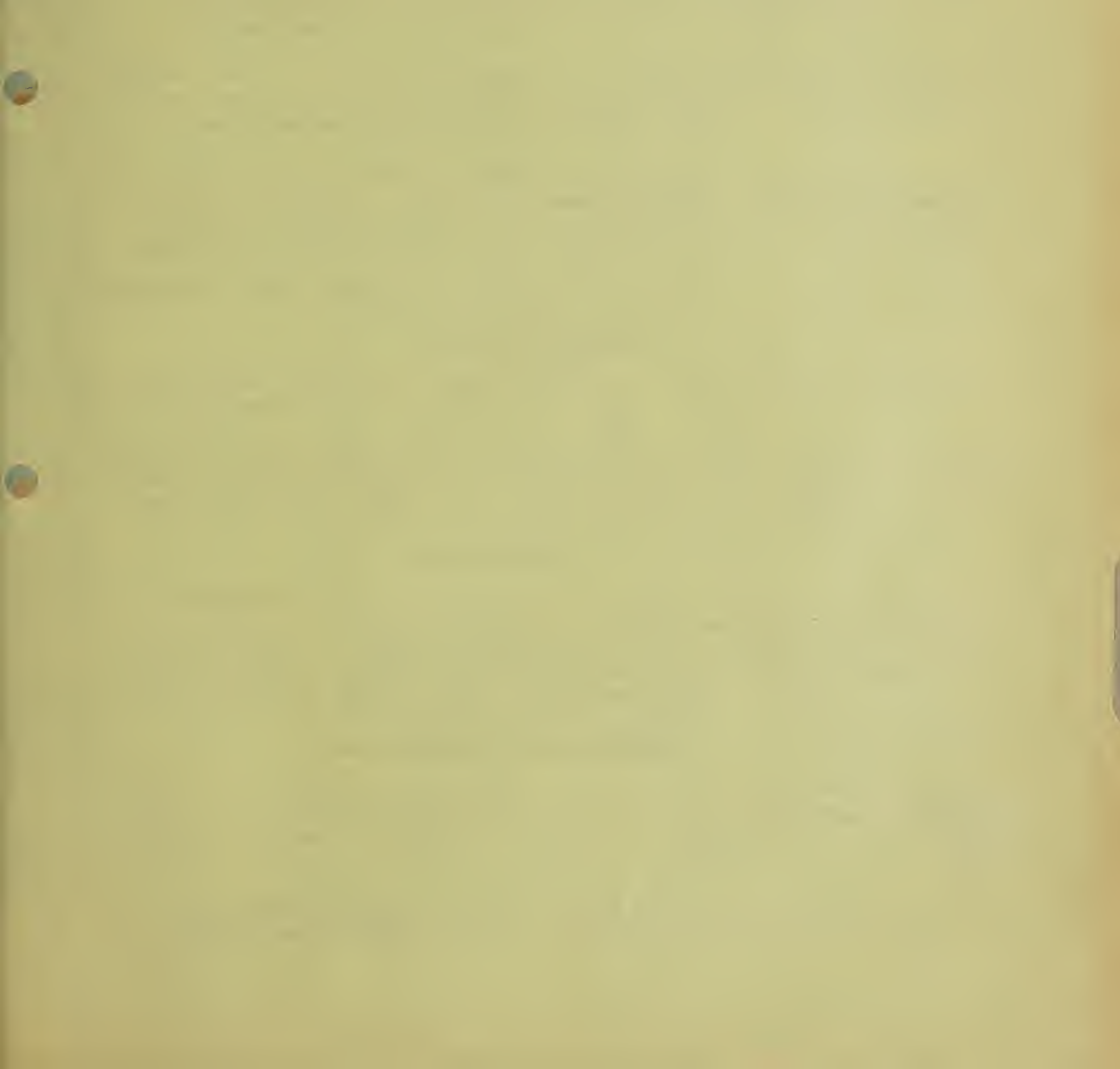
The Comptroller General of the United States in his reports to the Congress and expert witnesses who appeared in our hearings and testified before the subcommittee, pointed out that excessive decentralization makes for inefficient management and waste of precious resources and waste of money.

The proposed U.N. headquarters expansion project was prepared by the same architectural firm which designed the original building. The architectural plans call for the construction of an eight-story office building adjacent to the present U.N. complex and for major modifications of the existing Secretariat and conference buildings.

When completed, the expanded headquarters will provide office space for an additional 2,500 employees and greatly improve the utility of the existing buildings. This will, in effect, allow more people in the vicinity of New York to be employed in various functions such as the security and the janitorial services, the catering services, the restaurant services, and so forth. This will give additional employment to the people of the city of New York.

According to the estimates approved by the U.N. General Assembly, the project will cost approximately \$80 million.

Pursuant to a series of agreements worked out in the past 3 years, the cost of the project will be shared as follows:



Dec 22, 1970

SENATE

5. FLOOR ACTION.

Passed without amendment H. R. 10342, establishing the Chesapeake and Ohio Canal National Historical Park. This bill now goes to the President. pp. S21114-6

Passed with amendment H. R. 10482, establishing the Voyageurs National Park. pp. S21116-8

Agreed to the conference report on S. 1181, providing authority for promotion programs for milk, tomatoes, and potatoes. pp. S21055-6

Agreed to the House amendments to S. 11, proposed Intergovernmental Personnel Act of 1970. This bill now goes to the President. pp. S21092-100

Continued debate and consideration of H. R. 17550, proposed social security amendments. pp. S21072-89, S21112

6. GRAZING FEES. Sen. Hansen expressed concern over the increase in grazing fees noting it could mean the difference between staying in or going out of business to small operators. p. S21077

7. FOOD STAMPS. Sen. McGovern inserted a newspaper article noting that the House conferees "have adamantly refused compromise" and that he plans to seek to have the present authorization continued rather than accept the Poage bill. pp. S21173-4

8. ADJOURNED. Until Monday, December 28. p. S21180

EXTENSION OF REMARKS

9. SAVINGS BONDS. Rep. Arends urged all to "Take Stock in America" as he discussed the forthcoming 1971 Savings Bonds campaign. p. E10623

10. GYPSY MOTH. Rep. Goodling included an article "Pennsylvania -- Future Battleground of the Gypsy Moth" as he called attention to the hazard of the gypsy moth in relation to the forests of Pennsylvania. pp. E10629-30

BILLS INTRODUCED

11. FISH; ASSISTANCE. H. R. 20008, by Rep. Pickle, to authorize the Secretary of Agriculture to establish a program to enable individuals to enter into, and engage in, the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance and research; to the Committee on Merchant Marine and Fisheries

BILLS APPROVED BY THE PRESIDENT

12. COURT LEAVE. H. R. 12979, to grant court leave with pay to employees of the United States and the District of Columbia government when called as witnesses or jurors in judicial proceedings. Approved December 19, 1970 (P. L. 91-563).

13. AGRICULTURAL APPROPRIATIONS. H. R. 17923, fiscal year 1971 appropriations for the Department of Agriculture. Approved December 22, 1970 (P. L. 91-566).

moments of the Senator's great speech on the tragic war in Southeast Asia. I will not refer to it as a valedictory speech or a final address, because I know that the distinguished Senator from New York is only in the early stages of a great career in public life and in politics in our country.

He was the first Senator to introduce a measure which would have compelled the United States to get out of the war in Vietnam on a declared, announced timetable. I am one of those who believe that that is the only course or the most likely course to end our involvement in the war.

It was a great privilege for me later to work with the Senator from New York in pursuit of a similar measure, the so-called amendment to end the war, that did wind up with 40 votes in the Senate; and it was very close, as the Senator from New York and I know, to substantially more votes in the Senate.

I assure the Senator from New York that that amendment, as he suggested, will be introduced in the next session of Congress, again with strong sponsorship, except for the weakness that we will feel because we will not have him as a cosponsor of the amendment in the Senate. But we know that we will have his support behind it in the country, in this battle, and we know that that will be of great significance and a great source of strength in this struggle.

I share the Senator's sharp forebodings about the present course of American policy in Southeast Asia. I share his fears as to where that may lead us. I share his doubts as to what can be the positive results, and I share, unhappily, the negative beliefs he expressed so eloquently that it will lead to greater slaughter and greater destruction, involving both Americans and citizens of Vietnam and neighboring lands, in the bloodshed in Southeast Asia.

Also, it has been a great pleasure and a great privilege for me to find, in working with the Senator from New York, that it was possible to work across the aisle so effectively on many matters—on the war, most of all, and on others. That is the strength of our Nation, the strength of this body, the hope of democracy—that people of different parties can work so closely and effectively and develop such trust and faith in one another despite differences as to party.

I thank the Senator for his great contribution throughout the years and today, and for what he will do in the future.

Mr. GOODELL. I thank the Senator from California for his very generous remarks. I am very proud of my association with him. We took some very difficult positions at times, when they could easily have been misunderstood.

When the pressure is on, we see the kind of people with whom we are associated—the Senator from California always stands straight and tall. He is always one whose word can be trusted—no trickery, just straight talk, a man of great understanding, in my opinion.

I thank the Senator from California for his help and I salute him for the work he has done and will do in the fu-

ture in providing leadership on this and many other issues.

Mr. President, I would conclude by saying that if I have performed a role in this great issue of war, perhaps most important is that I, as a Republican, was the first to make this proposal. It is very important that this issue not be partisan, at least until it inevitably must become partisan.

I am sure that the Senator from California and the Senator from Oklahoma, who are good loyal Democrats, would agree with me that they would prefer this not be a political issue at this time.

Most of the potential Democratic candidates for President, supported the amendment to end the war. So we have given the President, if he chooses to use it, the option of removing all of our forces from Vietnam with relative political immunity.

It would be very difficult for any of the candidates who are now rumored to run for the Presidency against Mr. Nixon to say that by pulling all our troops out, he lost the war in Asia. To the contrary, would hail such course of action.

I intend to remain a Republican, because it is important that the type of viewpoint I hold be represented in the Republican Party, and be represented by other colleagues here, who are Republicans who, I am sure, will continue to speak out and provide bipartisan leadership in the struggle for peace.

I thank my colleagues for their cooperation and for their help during these two exciting and valued years in the U.S. Senate.

VALUE-ADDED TAX REGRESSIVE

Mr. HARRIS. Mr. President, it is becoming apparent that the Nixon administration is seriously considering proposing a value-added tax. As a member of the Senate Finance Committee, I say that such a proposal should be rejected.

It appears that the administration wants this new tax in order to provide funds for revenue sharing. I do not quarrel with the need to give States and local governments fiscal relief. But, the price should not be the enactment of a regressive tax that will fall unfairly on the middle- and lower-income taxpayer and would also have an adverse impact on our economy, which is already in serious trouble.

The appeal of revenue sharing has been that new funds needed by the States and local governments would come from funds raised by the Federal income tax system, which is more progressive than most of the taxes imposed by State and local governments. However, if the Federal Government were to obtain funds for revenue sharing through a value-added tax, it would simply be substituting one set of regressive taxes for another.

A value-added tax is appropriately characterized as a "national sales tax." The tax under consideration would be a 2-percent tax. As a product passes through each stage of manufacture or distribution, the value-added tax would be applied. Eventually, when the product

reached the market, the taxes would be passed on to the consumer in the form of higher priced goods.

The American consumer can expect the costs of all manufactured products to be increased if a value-added tax is enacted.

The current sad state of our economy clearly indicates that an additional tax would be especially ill-advised right now. For the third quarter of this year, actual gross national product is \$47 billion less than potential gross national product. This means that, if we had a near full employment economy now, as we could have, the Federal Government would realize an additional \$16 billion in revenue this year. This sum would have gone a long way toward meeting our urgent domestic problems. It would have provided funds needed for the relief of the State and local governments.

Unemployment is much too high at a time when inflation is also much too high. A regressive tax now which would be inflationary because of it would push the costs of goods even higher, just does not make any sense.

I serve notice on the President now, as one member of the Senate Finance Committee, that he should abandon the idea of this regressive tax. He should concentrate, instead, on getting this country back on its feet and its people back to work.

POTATO AND OTHER COMMODITY PROMOTION PROGRAMS—CONFERENCE REPORT

Mr. YOUNG of North Dakota. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 1181) to provide for potato and tomato programs. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SPONG). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Dec. 21, 1970, pp. H12217-H12219, CONGRESSIONAL RECORD.)

Mr. YOUNG of North Dakota. Mr. President, the conference substitute is identical to the bill as last passed by the Senate except that title IV of the House amendment has been included as an addition to it. Title IV extends section 8e of the Agricultural Adjustment Act to raisins, olives—other than Spanish-style green olives—and prunes. This section already covers tomatoes, avocados, mangoes, limes, grapefruit, green peppers, Irish potatoes, cucumbers, oranges, onions, walnuts, dates, and eggplants. It provides that whenever a domestic marketing order regulates the grade, size, or maturity of any commodity covered by it, imports of that commodity must meet the same requirements as to grade, size, and maturity. It is necessary to provide the same regulations for imported commodities as for domestic commodities in these cases because the importation of inferior foreign commodities would otherwise defeat the purpose of the domestic

marketing order to maintain these standards.

Mr. President, I move adoption of the conference report.

The motion was agreed to.

U.S. PARTICIPATION IN RESOURCES OF INTERNATIONAL FINANCIAL INSTITUTIONS—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SPONG). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Dec. 21, 1970, pp. H12238-H12239, CONGRESSIONAL RECORD.)

Mr. FULBRIGHT. Mr. President, we met yesterday afternoon with the House conferees. The House conferees agreed to accept the changes that the Senate incorporated in the bill, which meant the elimination of the soft loan funds of \$100 million for the Asian Bank and the elimination of the authorization for the second 2 years of \$900 million for the Fund for Special Operations of the Inter-American Bank. It does authorize the \$100 million for the first year. Actually, that first year was all they had programmed under their agreement to take us through at least calendar year 1971. So, the Fund for Special Operations will have enough money for lending next year. The effect would be, for the present at least, to defer authorization, and of course appropriation, of the \$900 million for the Inter-American Bank and \$100 million for the Asian Bank.

There were a few slight changes, with which the administration did not quarrel, concerning audits of the Exchange Stabilization Fund, reporting by the NAC, and benefits for a handful of employees. Those were the only substantive changes, I believe, other than the amounts. Actually there is no very important difference about anything other than the amounts.

It is substantially the Senate's bill. The House was very agreeable. I congratulate the House. They do not always insist upon our capitulation. It is only in the military field and the related fields that the House feels it must do that.

I think it is a good bill. It takes care of the IMF as presented and the World Bank as presented. I think it will serve the country very well.

Mr. JAVITS subsequently said: Mr. President, while I was in a conference trying to do what the leaders want us to do about a particular measure, the Senate adopted the conference report on

the international financial institutions bill.

Mr. STENNIS. Mr. President, will the Chair stop the conference in the well of the Chamber so that Senators can hear the speaker?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, I wish to protest what was done about dropping the \$100 million provision for the Asian Development Bank. I do wish to protest because I believe that the strengthened operations of the Asian Development Bank are critically essential to the future of Asia. If we are ever to have an effective peace, that we have the Asian bank. In the Asian Development Bank we have the unusual example where another country matches us dollar for dollar in support for development. That country is Japan. Japan is growing so rapidly it is important that this partnership in economic development be maintained, if there is to be hope for the future development of Asia.

I would like to ask the Senator from Arkansas, who is chairman of the Committee on Foreign Relations, whether he would receive sympathetically my request that at the earliest possible moment in the new Congress—and the chairman, happily, will be with us as chairman of the Committee on Foreign Relations in the new Congress—

Mr. FULBRIGHT. The Senator cannot count on that, but I shall reply on the hypothetical assumption it might be so.

Mr. JAVITS. I hope he will. This is my request. I request that the Foreign Relations Committee have early hearings and give early consideration to this vital question of our contribution to the Asian Development Bank.

Mr. FULBRIGHT. I can assure the Senator his requests are always given most sympathetic consideration. I believe the Senator will attest to that. Certainly we will give it consideration.

We stated to the conferees that both of these matters are not foreclosed in the future, but this is the best that we could accomplish.

We will certainly be willing to consider any suggestion the Senator wishes to make.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER (Mr. SPONG). The question is on agreeing to the conference report.

The conference report was agreed to.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. FULBRIGHT. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the conference report

on the Department of Transportation appropriations bill.

Mr. FULBRIGHT. Mr. President, I move that further consideration of the bill be postponed until Monday next.

Several Senators addressed the Chair. Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator yield for that purpose?

Mr. FULBRIGHT. Mr. President, I yield for a question without losing my right to the floor.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Mr. President, if I might inquire of the distinguished Senator, what was his motion?

Mr. FULBRIGHT. Mr. President, I moved that further consideration of the pending business be postponed until next Monday.

The motion is debatable, as I understand it. I wish to talk to the motion.

Mr. MANSFIELD. Mr. President, may I express the hope that the Senator would not push that motion, but would use it as a vehicle for debate.

Mr. FULBRIGHT. Mr. President, I assure the Senator from Montana we will not take sudden action without the leadership being properly notified and advised.

There are rules of the Senate which sometimes are enforced and sometimes are not enforced. It, therefore, necessitates on occasion motions of this kind.

Mr. President, before I discuss directly the matter at hand, I point out that in an exchange earlier this morning, especially participated in by the leadership, the Senator from Montana, the Senator from Pennsylvania, and others, there seems to have developed recently a feeling that some way or other the leadership is not as positive and as powerful as it ought to be and that in some way the Senate is not performing as it ought to perform.

I said then that I do not believe that the leadership or the Senate should be criticized for the present situation. I think that the Senate for the first time in my memory has stood up to its responsibilities.

THE ACTIVIST BIAS

Mr. President, at a time when the Senate is showing more than ordinary determination to meet its constitutional responsibilities, it has come under attack for its unwillingness to adopt great reams of administration-proposed legislation in the hectic, closing days of the session. The assumption seems to be that any legislation—even bad legislation—is better than none; that the record of a Congress should be measured by the number rather than the merit of the laws it enacts; and that noncompliance with the wishes of the administration is the ultimate form of irresponsibility.

This is not to say that criticism is deplored. Even the administration and its editorial camp followers on the Washington Post approve of criticism—provided that it is harmless and ineffectual. Responsible criticism, as the term is



DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 29, 1970
91st-2nd; No. 209

CONTENTS

Almond Groves.....4	Mercury Poisoning.....6	Rural Development...2
Appropriations.....1,3	NAL.....9	Sugar, Sirups, &
Farmworkers.....5	National Park.....1	Molasses.....4
Food.....7	National Seashore.....1	Tariff Schedules....4
Foreign aid.....5	Retirement.....3	Water.....10
		Water Carriers.....8

HIGHLIGHTS: House agreed to Senate amendments to bill establishing
Voyageurs National Park.
House agreed to conference report on milk, potato, and
tomato promotion bill.
Sen. Pearson's article on need for rural development
was inserted.

HOUSE

1. FLOOR ACTION.

Cleared for the President by agreeing to the Senate amendments to:
H. R. 10874, establishing the Gulf Islands National Seashore; and
H. R. 10482, establishing the Voyageurs National Park. pp. H12457-9

House agreed to Accepted the conference report on S. 1181, providing for milk, tomato,
and potato promotion programs. This bill now goes to the President.
pp. H12468-72

Both Houses accepted the second conference report (H. Rept. 91-1799)
on H. R. 19590, the Department of Defense FY 71 appropriations bill.
This bill now goes to the President. pp. H12456, H12490-8, S21369-71
Agreed to the further conference report on H. R. 17867, FY 71 foreign
assistance appropriations. pp. H12499-501

SENATE

2. RURAL DEVELOPMENT. Sen. Griffin praised Sen. Pearson's efforts on
behalf of and commitment to rural community development and placed
in the Record an article "Rural Community Development: A National
Necessity". pp. S21408-10

3. FLOOR ACTION.

Passed with amendments H. R. 17550, proposed Social Security
amendments of 1970. Conference requested and conferees appointed.
pp. S21314-46

Passed with amendment H. R. 16199, establishing a working capital
fund for the Treasury Department and continuing certain excise
taxes. Conference requested and conferees appointed. Indefinitely
postponed action on H. R. 19868, excise tax extension, whose
provisions were embodied in H. R. 16199 by committee amendment.
pp. S21361-9

Agreed to the House amendment to S. 437, authorizing a retired
Government employee to name a second spouse as beneficiary of his
survivor annuity. This bill now goes to the President.
pp. S21357-62

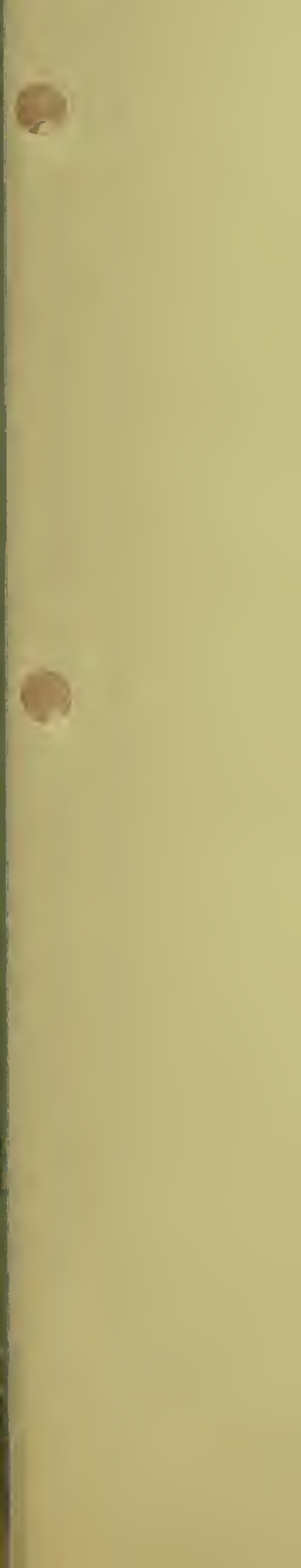
Tabled conference report on H. R. 17755, FY 71 Department of
Transportation appropriation bill, and requested a further conference
with the House. Conferees were appointed. pp. S21346-56

4. COMMITTEE ACTION.

Committee on Finance voted to report (but did not actually report)
the following bills:

H. R. 19242, ~~extending~~ the farm-loss deduction to almond groves; and
H. R. 7626, revising tariff schedules with respect to the class-
ification of certain sugars, sirups, and molasses. pp. D1321-2

5. FARMWORKERS. Sen. Young, Ohio, discussed the plight of the migrant
farmworker noting "migrant labor should be regulated on a national
level". p. S21427





AS PASSED HOUSE (JUNE 25, 1970)—continued

AS PASSED SENATE (SEPTEMBER 25, 1970)—CON.

SUGGESTED HOUSE COMPROMISE—continued

"(2) The State approving agency may approve a farm cooperative training course when it satisfies the following requirements:

"(A) The course combines organized group instruction in agricultural and related subjects of at least two hundred hours per year (and of at least eight hours each month) at an educational institution, with supervised work experience on a farm or other agricultural establishment; and the course provides for not less than one hundred hours of individual instruction per year, at least fifty hours of which shall be on a farm or other agricultural establishment (with at least two visits by the instructor to such farm or establishment each month). Such individual instruction shall be given by the instructor responsible for the veterans' institutional instruction and shall include instruction and home study assignments in the preparation of budgets, inventories, and statements showing the production, use on the farm, and sale of crops, livestock, and livestock products.

"(B) The course is developed with due consideration to the size and character of the farm or other agricultural establishment on which the eligible veteran will receive his supervised work experience and to the need of such eligible veteran, in the type of farming for which he is training for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farming management, and the keeping of farm and home accounts.

"(C) The farm or other agricultural establishment on which the veteran is to receive his supervised work experience shall be of a size and character which will permit instruction in all aspects of the management of the farm or other agricultural establishment of the type for which the eligible veteran is being trained, and will provide the eligible veteran an opportunity to apply the major portion of the farm practices taught in the group instruction part of the course.

"(D) Provision shall be made for certification by the institution and the veteran that the training offered does not repeat or duplicate training previously received by the veteran.

"(E) The institutional on-farm training meets such other fair and reasonable standards as may be established by the State approving agency."

(b) The amendments made by subsection (a) of this section shall become effective on the first day of the second calendar month following the month in which this Act is enacted; but any veteran enrolled in a farm cooperative course under section 1682(d) of title 38, United States Code, prior to such effective date may continue in such course to the end of the current academic year under the same terms and conditions that were in effect prior to the effective date of the amendments made by subsection (a) of this section.

Amend the title so as to read: "An Act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, to extend benefits under such chapter to certain persons on active duty and to Vietnam era veterans, and to provide for provision and replacement of adaptive equipment and continuing repair, maintenance, and installation thereof, and to amend chapter 34 of such title to authorize the Administrator of Veterans' Affairs to make loans to veterans to help meet the expenses of obtaining a private pilot's license where such veterans intend to pursue a flight training program under such chapter and to improve the farm cooperative training program authorized under such chapter, and for other purposes."

Amend the title so as to read: "An Act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, to extend benefits under such chapter to certain persons on active duty, and to provide for provision and replacement of adaptive equipment and continuing repair, maintenance and installation thereof."

Mr. TEAGUE of California. Mr. Speaker, further reserving the right to object, I would point out that the suggested compromise would save about \$12 billion. It does have my approval. I withdraw my reservation.

The SPEAKER pro tempore (Mr. Boggs). Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves to concur in the Senate amendment to the text of the bill, with the following amendment:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

That this Act may be cited as the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970".

SEC. 2. (a) Chapter 39 of title 38, United States Code, is amended to read as follows:

"Chapter 39.—AUTOMOBILES AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES

"Sec.

"1901. Definitions.

"1902. Assistance for providing automobile and adaptive equipment.

"1903. Limitations on assistance.

"§ 1901. Definitions

"For purposes of this chapter—

"(1) The term 'eligible person' means—

"(A) any veteran entitled to compensation under chapter 11 of this title for any of the disabilities described in subclause (i), (ii), or (iii) below, if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II or the Korean conflict; or if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty:

"(i) The loss or permanent loss of use of one or both feet;

"(ii) The loss or permanent loss of use of one or both hands;

"(iii) The permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye; or

"(B) any member of the Armed Forces serving on active duty who is suffering from any disability described in subclause (i), (ii), or (iii) of clause (A) of this paragraph if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II, the Korean conflict, or the Vietnam era; or if such disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty.

"(2) The term 'World War II' includes, in the case of any eligible person, any period of continuous service performed by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

"§ 1902. Assistance for providing automobile and adaptive equipment.

(a) The Administrator, under regulations which he shall prescribe, shall provide or assist in providing an automobile or other conveyance to each eligible person by paying the total purchase price of the automobile or other conveyance or \$2,800, whichever is the lesser, to the seller from whom the eligible person is purchasing under a sales agreement between the seller and the eligible person.

"(b) The Administrator, under regulations which he shall prescribe, shall provide each eligible person the adaptive equipment deemed necessary to insure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and so as to satisfy the applicable standards of licensure established by the State of his residency or other proper licensing authority.

"(c) In accordance with regulations which he shall prescribe, the Administrator shall (1) repair, replace, or reinstall adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired in accordance with the provisions of this chapter, and (2) provide, repair, replace, or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may subsequently have acquired.

"(d) If an eligible person cannot qualify to operate an automobile or other conveyance, the Administrator shall provide or assist in providing an automobile or other conveyance to such person, as provided in subsection (a) of this section, if the automobile or other conveyance is to be operated for the eligible person by another person.

"§ 1903. Limitations on assistance

"(a) No eligible person shall be entitled to receive more than one automobile or other conveyance under the provisions of this chapter, and no payment shall be made under this chapter for the repair, maintenance, or replacement of an automobile or other conveyance.

"(b) Except as provided in subsection (d) of section 1902 of this title, no eligible person shall be provided an automobile or other conveyance under this chapter until it is established to the satisfaction of the Administrator, in accordance with regulations he shall prescribe, that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and will satisfy the applicable standards of licensure to operate the automobile or other conveyance established by the State of his residing or other proper licensing authority.

"(c) An eligible person shall not be entitled to adaptive equipment under this chapter for more than one automobile or other conveyance at any one time.

"(d) Adaptive equipment shall not be provided under this chapter unless it conforms to minimum standards of safety and quality prescribed by the Administrator."

(b) The analysis of title 38, United States Code, and the analysis of part III thereof, are each amended by striking out

"39. Automobiles for Disabled Veterans ----- 1901"

and inserting in lieu thereof:

"39. Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces ----- 1901".

Mr. TEAGUE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE).

The motion was agreed to.

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves to concur in the Senate amendment to the title of the bill, with the following amendment: In lieu of the matter proposed to be inserted by the Senate amendment to the title of the bill, insert the following: "An Act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, to extend benefits under such chapter to certain persons on active duty, and to provide for provision and replacement of adaptive equipment and continuing repair, maintenance, and installation thereof."

The motion was agreed to.

The Senate amendments, as amended, were concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1181, POTATO AND OTHER COMMODITY PROMOTION PROGRAMS

Mr. FOLEY. Mr. Speaker, I call up the conference report on the bill (S. 1181) to provide authority for promotion programs for milk, tomatoes, and potatoes, and to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. Boggs). Is there objection to the request of the gentleman from Washington?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I correctly understand that the gentleman proposes to take time to inform the House as to what transpired in the conference with respect to this bill?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Of course, I yield to the gentleman from Washington.

Mr. FOLEY. Yes, I intend to take time to explain the result of the conference.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 21, 1970.)

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FOLEY asked and was given permission to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, the conference between the managers on the part of the House and the managers on the part of the Senate on House bill 18884 and the Senate bill currently before the House, S. 1181, resulted in unanimous agreement on the part of the managers. The House-passed bill contained four titles. Title I authorized certain advertising and promotion amendments to existing marketing orders for milk. The title authorized such amendments only after the usual hearings and vote by producers.

Title II of the House-passed bill was designed to give general authority for other marketing orders to be amended to include provisions for advertising and promotion under circumstances to those applying to milk in title I.

I might say the reason the Committee on Agriculture asked for general authority for amendments to all marketing orders for advertising and promotion was the belief on the part of the chairman of the committee, the distinguished gentleman from Texas (Mr. POAGE) and the majority of the committee that the House had been perhaps occupied unnecessarily with individual bills calling for the amendment of one particular marketing order or another. The principle of allowing marketing orders to be amended for advertising and promotion seemed to be valid for all commodities if valid for any. So it was our desire to save the time of the Congress and of this body by authorizing general legislation.

A third title of the House-passed bill was a section dealing with the potato research and promotion program. This was different from the other titles in that it did not deal with existing marketing orders, but with authority for a special national program. Such a program would set up a national referendum and approval by commercial potato growers to assess themselves 1 cent a hundred-weight for the purpose of developing research and promotion programs, including advertising, to advance the use of potatoes as a food.

This title is similar in content and character to the cotton research program which was passed in the 90th Congress. Title III provided an opportunity for any potato grower who was a commercial potato grower to obtain a full and prompt refund if he desired not to participate in the program.

The final title of the House-passed bill, title IV, dealt with certain restrictions on the imports of prunes, olives, and raisins where existing marketing orders in the United States set standards of grade and quality. It would prohibit the import of a foreign product of this kind unless it met the same standards of grade and quality which is required under U.S. marketing orders.

When the House and Senate managers met, the Senate bill included a potato research section which also included an amendment for marketing orders pertaining to tomatoes, providing programs for research and promotion. The result of the conference was that the House receded on title II, general authority, and accepted the addition of a tomato

program rather than the general legislation which dealt with all commodities. The decision of the managers on the part of both bodies was unanimous. The conference was concluded promptly.

Mr. Speaker, the purpose of these programs is to allow producers to aid themselves by utilizing machinery to provide self-imposed assessments for the purpose of advancing the product they grow and sell. It is in my judgment very difficult to understand how anyone could seriously oppose this kind of interest on the part of American producers of commodities that are not price supported and do not have other extensive Department of Agriculture programs available to them.

We had testimony before the Subcommittee on Domestic Marketing and Consumer Relations of the Committee on Agriculture, which indicated very strong support for these programs on the part of producers. I hope the House will express equally strong support for the conference report this afternoon.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield to me the customary half of the time?

Mr. FOLEY. I regret that I neglected to do that.

Mr. Speaker, I yield to the distinguished gentleman from California 30 minutes.

Mr. TEAGUE of California. Mr. Speaker, I thank the gentleman very much. I shall not use the full 30 minutes.

Mr. Speaker, I would like to correct one misstatement. For some reason which is not entirely clear to me one of the Republican conferees did not sign the conference report. It was not I. I approve of this program. This is a self-help type of operation applicable to commodities which do not participate in the subsidy and control big farm agricultural programs which are so very costly.

I, however, thoroughly approve of the settlement made, the agreement in the conference, and I strongly recommend to my colleagues that they do approve the recommended conference report.

Now, Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding.

I believe the record should be further corrected and we should mention that the gentleman who did not sign the conference report is the ranking minority member of the Committee on Agriculture (Mr. BELCHER).

This potato salad bill has been around here too long. I want to point out to the House, as I pointed out before, that originally the potato section of the bill was defeated on November 12, 1969. An attempt has been made to improve it by adding a lot of other commodities, a lot of other ingredients.

As I stated before, this bill could have been sweetened by adding honey. Why we did not add honey I do not know at this time. The honey people want the same privileges these other commodity groups want, but for some unknown reason honey was eliminated.

I would point out again, as I have pointed out to the House before, in this

bill we are definitely opening a Pandora's box.

This thing has got to grow. There can be no other way. If we do this for one commodity group we have to do it for every farm commodity group.

I am not at all certain that the Department of Agriculture is not overstaffed at the present time. I recall someone facetiously introduced an amendment on the floor of the House several years ago saying that the Department of Agriculture could not have more employees than there were farmers in the United States, and I am not at all certain we are not approaching that stage right now.

If we are going to continue to give the Department of Agriculture more and more to do, we are going to overburden the Department.

There are a lot of things I could say on this bill, but time is not going to permit me to do that. I do wish to read a few things from the report, which Members of the House probably do not know or have not read.

I realize the olive section has been sweetened to a certain extent. I do not know whether they did it with olive oil or whether they did it with honey, but it has been sweetened to a certain extent. Let me read from the report:

There is thus no need for new restrictions on imported olives.

In addition, the proposed amendment would cause difficulties in our relations with Spain. Spain is the principal source of United States imports of olives and potentially would be the country most affected by the proposed legislation. In recent years Spain has consistently supplied more than 90 percent of total United States imports and has been very sensitive to efforts to interfere with this trade. The Spanish Embassy has made repeated and strong representations to officials of the Department of State not only against the proposed amendment but also against other pending legislation which would substantially increase the duty applying to imports packed in small airtight containers. The Embassy has noted that domestically produced olives are not directly comparable with olives imported from Spain, that during the Kennedy Round negotiations the United States agreed to bind the existing duties on imports of olives from Spain in return for concessions granted by the Spanish Government, and that any decision on the part of the United States Government to limit, by whatever means, imports of olives from Spain would be regarded by that country as an unfair measure against established trade and as a violation of an international agreement.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Illinois.

Mr. FINDLEY. I want to compliment the gentleman from Pennsylvania for raising these questions about the conference report and to state my own reservations about it and my intention to vote against it; also to state that it is very clear that this conference report does not have the enthusiastic endorsement of all farm organizations. In fact, I think the gentleman can verify that the largest farm organization in the United States, the American Farm Bureau Federation, does, indeed, very strongly oppose this conference report.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California.

Mr. TEAGUE of California. I have been around here a long time, and I fail to remember any piece of farm legislation that had the enthusiastic support of all farm organizations.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California for just a brief time.

Mr. SISK. The gentleman has raised the question about the olives. I simply want to make it clear, as I am sure others do, that we did adopt an amendment that would exempt the Spanish-style green olives, and that did remove the objections of the Spanish Government to this bill. The writing of this amendment was participated in by representatives of the Spanish Olive Association, and, therefore, they actually said to us that they no longer had any objection whatsoever to the bill as written in regard to olives.

Mr. GOODLING. The gentleman will remember that I stated that the olive section was improved slightly, but, as I understand it, there are still objections from the Spanish Government.

Mr. SISK. Mr. Speaker, if the gentleman will yield further, that is not the information that their representatives gave to us, that upon the adoption of that particular amendment it removed their objection. If they have any such objection, I have not heard of it. I want to make it clear that that is the case.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield further?

Mr. GOODLING. Yes. I yield further to the gentleman from Illinois, although my time is very limited.

Mr. FINDLEY. Well, perhaps we have cleared up the attitude as to Spanish green olives, but what about the interest of the non-Spanish nongreen olives? Should we not give some thought to their interests in this field?

Mr. GOODLING. I cannot answer the gentleman's question.

Mr. SISK. Mr. Speaker, will the gentleman yield further?

Mr. GOODLING. The gentleman is using a lot of my time, but I yield further to the gentleman.

Mr. SISK. I shall undertake to get the gentleman additional time.

But let me say here, of course, it is my understanding that as Members of Congress we are concerned with American agriculture, American producers, and American commodities and American consumers. If we are more concerned about Spanish growers and farmers, then, OK, let us lay it on the table. We grow a lot of olives in this country, and certainly this bill does tend to give additional protection to the American olive industry. I do not think there is any question about that.

I thank the gentleman for yielding.

Mr. GOODLING. Mr. Speaker, I would like to say a few words on raisins, also, if I have the time.

Mr. TEAGUE of California. I shall yield additional time to the gentleman.

How much time does the gentleman feel he will require?

Mr. GOODLING. Three additional minutes.

Mr. TEAGUE of California. Mr. Speaker, I yield to the gentleman an additional 3½ minutes.

Mr. GOODLING. I thank the gentleman from California.

As I said, I was going to say a few words about the raisin industry, but I shall not do that because I know I will not have time.

I want to say that in my opinion this conference report should be defeated, and I hope it will be defeated.

We also have the potato checkoff provision, and this bill imposes a dairy checkoff plan which is even worse than the potato section. At least, the potato provision does provide for a lot of refunding. However, the dairy section does not.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield briefly to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, in order to correct the record, I think the gentleman might like to recognize the fact that the distinguished gentleman from Wisconsin (Mr. STEIGER), who is also seeking recognition, offered an amendment adopted by the House which would provide for a refund to any dairy producer who desires it, and his amendment provides for a speedy and prompt refund—I am not quoting the language exactly, but the amendment provides for an easy and uncomplicated refunding procedure.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I want to associate myself with the remarks made by the gentleman from Washington (Mr. FOLEY). The gentleman from Pennsylvania (Mr. GOODLING) may have reference to the original bill which did not have the refund provision, but as the conference report comes back to the House it does include the language of the amendment I offered in the House. It was included in the bill passed by the other body.

I believe, may I say to the gentleman, if he will yield further, that the milk section of this conference report is in good shape, and I hope it will be supported.

Mr. GOODLING. The gentleman from Wisconsin is correct. I now recall that the amendment was adopted.

The gentleman will not say that all milk-producing sections are in favor of this bill, will he?

Mr. STEIGER of Wisconsin. If the gentleman will yield further, I cannot speak for all milk-producing sections. I know that in the State of Wisconsin there is widespread support for this, and on the part of the National Milk Producers Federation, which does support the conference report.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Illinois.

Mr. FINDLEY. If the milk provision is

truly a voluntary system where producers who do not want to go along can very easily avoid contributing, then it might also be said that this very same type of voluntary system could be set up yesterday, today or tomorrow without the benefit of this legislation.

Mr. GOODLING. That is correct, and let me say that as to the dairy section it provides for block voting. The individual dairyman does not have a voice in this, his co-op will do the voting. That, to my way of thinking, would not be a very desirable procedure.

Mr. STEIGER of Wisconsin. Mr. Speaker, if the gentleman will yield further, the gentleman is correct in that block voting, as is the pattern and the practice under the present law, will be applicable in this section.

As the gentleman knows, I tried to get this changed by an amendment to prevent block voting that was defeated here in the House. I would say to the gentleman from Pennsylvania, and I know of his strong feelings on this subject, that even with the block voting concept, with the refund we can protect the dairy farmer so that if he does not wish to participate he can get his money back in a prompt and reasonable manner.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, most of the States have a voluntary program of checkoff for the advertising of dairy products. Many years ago in our State, the State of Minnesota, started out with a plan using a State appropriation which was later paid back, and we have the voluntary program going now, and I believe most of the States have copied this plan. Now I am a little fearful of the fact that this type of legislation would destroy the voluntary programs that are already in operation and if it can be provided that a producer can get out if he wishes, then why get in, if we do have a voluntary program going? So I am just a little fearful of what this might do to what we already have. I want to be assured that plans such as Minnesota developed can continue.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. If this is going to cost the taxpayers any money, and if you people representing the farm areas cannot agree, what are we city folks going to do?

Mr. GOODLING. I am glad the gentleman brought that up. I was thinking of that, and was going to mention it.

It will definitely cost the taxpayers a considerable amount of money, and that is one of my serious objections to this bill. The potato people themselves expect to collect about \$2 million, probably more, and I think that the potato growers of the United States should be willing to pick up the tab for administering the program, yet they refuse to do that.

We had a referendum in our Commonwealth of Pennsylvania, and it was defeated because they simply are looking for a handout. I want the farmers them-

selves to have some interest in this. As I say, it will cost a considerable amount of money. The Department of Agriculture has estimated that, for the potato section alone, the administrative costs per year would probably be in the neighborhood of \$90,000 to \$100,000, and that is a sizable sum of money. You multiply that by the other commodity groups, and you are going to run into a large-size figure.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. TEAGUE of California. Mr. Speaker, I would like to state to the gentleman from Pennsylvania (Mr. FULTON) that the division among farm groups may not be as widespread and as serious as it may appear to them.

This bill came out of our committee with a vote of approximately 25 to 5.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. STEIGER).

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I support the conference report and hope it is adopted.

I specifically want to address myself to two points that were raised during the discussion on this as it relates to the milk section. Quite frankly, I have no deep abiding interest in tomatoes or potatoes and I assume that those provisions are acceptable to Members who have these products in their area. But I do have an interest in the milk section.

No. 1—I want to respond to some of the things that have been said by the gentleman from Pennsylvania and that which was addressed by the gentleman from Minnesota.

There is a provision in the conference report which is on page 1 which does provide:

Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research is required under the authority of any State law.

This, it seems to me, is proper protection for the Minnesota plan or for that matter the plan that may be voted on in Wisconsin in the very near future.

What we are saying, as I understand it, and the gentleman from Washington can correct me if I am wrong, is in an order provided by the Secretary, provision can be made to credit the mandatory State checkoff plan funds toward the requirement of the order, if it is the Chicago order, for example, for research so that there is a method of insuring the Wisconsin or the Minnesota dairy farmer is not checked off twice in the order area. Am I correct?

Mr. FOLEY. The gentleman is precisely correct.

Mr. STEIGER of Wisconsin. I thank the gentleman from Washington for that response.

I might also say that with the provision for the refund, I believe the dairy farmers across the country can be served and not have this work against what they view as their best interest. I do think there is need for additional pro-

motion of dairy products and I think this is a method which insures that there is a means of collecting the funds that are necessary and yet provides protection for the dairy farmer—if he does not want to participate—so he can get a refund.

Mr. Speaker, I urge that the House adopt the conference report.

Mr. TEAGUE of California. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Speaker, I would like to find out about the true cost to the taxpayers of this bill which, as we heard a few moments ago, would be zero.

It is my understanding that a couple of years ago the Department of Agriculture stated that it would cost approximately \$325,000 for the potato referendum. It would also cost some \$80,000 to \$100,000 per year to maintain the program.

Can the gentleman explain how many producers would benefit from the program on the basis that we do have 2.1 percent of the farms reporting potato production, producing 81 percent of the potatoes.

Mr. FOLEY. I cannot give the gentleman a precise figure as to how many potato growers there are in the United States that produce more than 5 acres of potatoes. I will seek that information for the gentleman.

Mr. Speaker, would the gentleman yield to me for a comment while we are looking up that information?

Mr. MILLER of Ohio. I have a question as to the cost to the taxpayers. Is it still anticipated that the cost would be \$325,000 for the referendum?

Mr. FOLEY. No. The testimony of the Department of Agriculture was that it would be approximately \$325,000 for the referendum if it were necessary to set up actual polling places in a local county office and so on, and an additional cost of \$180,000 if a suitable mail ballot could be taken and they have every reason to believe that such is feasible.

Mr. MILLER of Ohio. As to the \$180,000—on that particular figure, does the Department of Agriculture have a mailing list that they could use? As I recall that was a stumbling block.

Mr. FOLEY. The Department of Agriculture stated that if a mailing list was available from the National Potato Council or some other agricultural organization, it would cost approximately \$180,000, for a mail referendum.

Mr. MILLER of Ohio. But we have no guarantee on that at the present time, is that correct?

Mr. FOLEY. I cannot speak for the Department, but I have had no information that indicates that the Department doubts that a mail ballot is feasible.

Mr. MILLER of Ohio. Will the cost of this bill, the 1 cent per hundredweight, be passed on to the consumer?

Mr. FOLEY. The market for potatoes is not tightly controlled, as the gentleman may know. I see no reason to believe that the assessment will be passed on to the consumer. I believe it would not be passed on, but would be borne by the cooperating producers.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. TEAGUE of California. Mr. Speaker, I yield 1 additional minute to the gentleman from Ohio.

Mr. MILLER of Ohio. I appreciate the time for the purpose of attempting to find out how many producers would be affected by the legislation.

Mr. FOLEY. I cannot advise the gentleman precisely how many farmers would be involved in a referendum but I am sure the numbers would be in the tens of thousands.

Mr. MILLER of Ohio. I thank the gentleman.

Mr. FOLEY. Mr. Speaker, I have no further requests for time.

Mr. TEAGUE of California. Mr. Speaker, I have no further requests for time.

Mr. FOLEY. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore being in doubt, the House divided, and there were—ayes 40, noes 28.

Mr. GOODLING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 159, nays 93, not voting 180, as follows:

[Roll No. 451]

YEAS—159

Abbitt	Frey	Monagan
Abernethy	Fuqua	Morgan
Adams	Gallfianakis	Natcher
Albert	Gallagher	Nelsen
Alexander	Garmatz	Nix
Anderson,	Gaydos	Obey
Tenn.	Gonzalez	Olsen
Annunzio	Green, Oreg.	Passman
Ashley	Griffin	Patten
Barrett	Hamilton	Perkins
Bell, Calif.	Hammer-	Pettis
Bennett	schmidt	Philbin
Bevill	Hanley	Pike
Blanton	Hansen, Idaho	Podell
Blatnik	Hansen, Wash.	Preyer, N.C.
Boggs	Harrington	Price, Ill.
Boland	Hathaway	Pryor, Ark.
Bolling	Hawkins	Pucinski
Brademas	Hays	Quie
Brinkley	Helstoski	Rees
Brooks	Horton	Rhodes
Brotzman	Ichord	Roberts
Broyhill, Va.	Jacobs	Rodino
Burke, Mass.	Johnson, Calif.	Roe
Burleson, Tex.	Jones, Ala.	Rogers, Colo.
Bush	Jones, N.C.	Rogers, Fla.
Byrne, Pa.	Kastenmeier	Roybal
Cabell	Kazen	Ruth
Carney	Kee	St Germain
Chappell	Kluczynski	Shriver
Conte	Kyros	Sikes
Corman	Leggett	Sisk
Culver	Lennon	Skubitz
Daniel, Va.	Lukens	Slack
Daniels, N.J.	McCloskey	Smith, N.Y.
Dent	McClure	Stafford
Dingell	McFall	Stanton
Donohue	McMillan	Steed
Dorn	Macdonald,	Steiger, Wis.
Downing	Mass.	Stephens
Dulski	Madden	Stubblefield
Feighan	Mahon	Stuckey
Fisher	Matsunaga	Symington
Flood	Meeds	Taylor
Flowers	Melcher	Teague, Calif.
Flynt	Mikva	Teague, Tex.
Foley	Mills	Thompson, N.J.
Fountain	Mink	Thomson, Wis.
Fraser	Mollohan	Tiernan

Tunney
Udall
Van Deerlin
Vigorito
Waldie
Wampler

White
Whitehurst
Whitten
Wiggins
Williams

Wilson,
Charles H.
Young
Zablocki
Zwach

NAYS—93

Addabbo
Anderson, Ill.
Arends
Ashbrook
Ayres
Betts
Biester
Bow
Bray
Brown, Mich.
Brown, Ohio
Burke, Fla.
Byrnes, Wis.
Camp
Carey
Carter
Cederberg
Chamberlain
Collins, Tex.
Conable
Conyers
Coughlin
Crane
Davis, Wis.
Dellenback
Dennis
Derwinski
Dickinson
Duncan
Eshleman
Findley

NOT VOTING—180

Adair
Anderson,
Calif.
Andrews, Ala.
Andrews,
N. Dak.
Aspinall
Baring
Beall, Md.
Belcher
Berry
Biaggi
Bingham
Blackburn
Brasco
Brock
Broomfield
Brown, Calif.
Broyhill, N.C.
Buchanan
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Caffery
Casey
Celler
Chisholm
Clancy
Clark
Clausen,
Don H.
Clawson, Del.
Clay
Cleveland
Cohelan
Collier
Collins, Ill.
Colmer
Corbett
Cowger
Cramer
Cunningham
Daddario
Davis, Ga.
de la Garza
Delaney
Denney
Devine
Diggs
Dowdy
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.

Fallon
Farbstein
Fascell
Fish
Ford,
William D.
Foreman
Friedel
Fulton, Tenn.
Gettys
Gialmo
Gibbons
Gilbert
Goldwater
Gray
Green, Pa.
Griffiths
Grover
Gubser
Hagan
Haley
Hanna
Hébert
Heckler, Mass.
Henderson
Hicks
Holifield
Hosmer
Howard
Hull
Hungate
Jarman
Johnson, Pa.
Jones, Tenn.
Karth
Kleppe
Kuykendall
Landrum
Langen
Lloyd
Long, La.
Lowenstein
Lujan
McCarthy
McClory
McCulloch
McDonald,
Mich.
McEwen
McKneally
Mann
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Minshall
Mize
Montgomery
Moorhead
Morton

Mizell
Morse
Nedzi
O'Hara
Pelly
Poff
Quillen
Rarick
Reid, N.Y.
Robison
Roth
Ryan
Satterfield
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Smith, Iowa
Springer
Steele
Stratton
Taft
Vander Jagt
Vanik
Widnall
Wilson, Bob
Wolf
Wylie
Wyman
Yates

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill of Massachusetts for, with Mr. Biaggi against.
Mr. Hébert for, with Mr. Ottinger against.
Mr. Waggonner for, with Mr. Delaney against.
Mr. Andrews of Alabama for, with Mr. Baring against.
Mr. Brasco for, with Mr. Bingham against.
Mr. Burton of California for, with Mr. Clay against.
Mr. Celler for, with Mr. Diggs against.
Mr. Clark for, with Mr. Farbstein against.
Mr. Edmondson for, with Mr. Gilbert against.
Mr. Edwards of California for, with Mr. Powell against.
Mr. Edwards of Louisiana for, with Mr. Lowenstein against.
Mr. Eilberg for, with Mr. McCarthy against.
Mr. Evins of Tennessee for, with Mr. Moorhead against.
Mr. William D. Ford for, with Mrs. Chisholm against.
Mrs. Sullivan for, with Mr. Daddario against.
Mr. Holifield for, with Mr. Reuss against.
Mr. Hull for, with Mr. Rooney of New York against.
Mr. Miller of California for, with Mr. Rosenthal against.
Mr. Shipley for, with Mr. Stokes against.
Mr. Mathias for, with Mr. Broomfield against.
Mr. Andrews of North Dakota for, with Mr. Sandman against.
Mr. Snyder for, with Mrs. Dwyer against.
Mr. Blackburn for, with Mr. Devine against.
Mr. Wylder for, with Mr. Goldwater against.
Mr. Thompson of Georgia for, with Mr. Smith of California against.
Mr. Talcott for, with Mr. Hosmer against.
Mr. Fulton of Tennessee for, with Mr. Corbett against.
Mr. Gettys for, with Mr. Clawson of Delaware against.
Mr. Gray for, with Mr. Cowger against.
Mr. Saylor for, with Mr. Cramer against.
Mr. Hanna for, with Mr. Grover against.
Mr. Rooney of Pennsylvania for, with Mr. Ware against.
Mr. Casey for, with Mr. Scherle against.
Mr. Fascell for, with Mr. Schadeberg against.
Mr. Jones of Tennessee for, with Mr. Ruppe against.
Mr. Randall for, with Mr. Aspinall against.
Mr. Rousselot for, with Mr. Collier against.
Mr. Myers for, with Mr. Winn against.
Mr. Anderson of California for, with Mr. Sebelius against.
Mr. Burlison of Missouri for, with Mr. McClory against.
Mr. Caffery for, with Mr. Pirnie against.
Mr. Colmer for, with Mr. Michel against.
Mr. Montgomery for, with Mr. Buchanan against.
Mr. Moss for, with Mr. Gialmo against.
Mr. Hogan for, with Mr. Morton against.
Mr. Green of Pennsylvania for, with Mr. Moshier against.
Mr. Watson for, with Mr. Wold against.
Mr. Cohelan for, with Mr. Zion against.
Mr. Davis of Georgia for, with Mr. Whalley against.
Mr. de la Garza for, with Mr. Whalen against.
Mr. Dowdy for, with Mr. Steiger of Arizona against.
Mr. Staggers for, with Mr. Riegle against.
Mrs. Griffiths for, with Mrs. Reid of Illinois against.
Mr. Pepper for, with Mr. Railsback against.
Mr. Karth for, with Mr. Price of Texas against.
Mr. Hungate for, with Mr. Pollock against.

Mr. Howard for, with Mr. Mize against.
Mr. Watts for, with Mr. Minshall against.
Mr. Wright for, with Mr. Martin against.
Mr. Yatron for, with Mr. McDonald of Michigan against.

Mr. Long of Louisiana for, with Mr. Haley against.

Mr. Landrum for, with Mr. Lujan against.
Mr. Mann for, with Mr. Johnson of Pennsylvania against.

Mr. Murphy of New York for, with Mr. Erlenborn against.

Mr. Nichols for, with Mr. Fish against.
Mr. Lloyd for, with Mr. Denney against.
Mr. Gubser for, with Mr. Edwards of Alabama against.

Mr. Kuykendall for, with Mr. Cunningham against.

Mrs. Heckler of Massachusetts for, with Mr. Clancy against.

Mr. Broyhill of North Carolina for, with Mr. Brock against.

Mr. Wyatt for, with Mr. Beall of Maryland against.

Mr. Evans of Colorado for, with Mr. Adair against.

Until further notice:

Mr. Rostenkowski with Mr. McEwen.
Mr. Gibbons with Mr. Burton of Utah.
Mr. Friedel with Mr. Button.
Mr. Pickle with Mr. Esch.
Mr. Patman with Mr. Don H. Clausen.
Mr. Jarman with Mr. Foreman.
Mr. Ullman with Mr. Kleppe.
Mr. Murphy of Illinois with Mr. Langen.
Mr. Collins of Illinois with Mr. McCulloch.
Mr. O'Neal of Georgia with Mr. McKneally.
Mr. Purcell with Mrs. May.
Mr. Brown of California with Mr. Meskill.
Mr. Hicks with Mr. O'Konski.
Mr. Weicker with Mr. Roudebush.

Messrs. SCHWENGEL, BURKE of Florida, and VANDER JAGT changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 3 days to extend their remarks in the RECORD on the conference report just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

CORRECTION OF THE RECORD

Mr. MATSUNAGA. Mr. Speaker, in the CONGRESSIONAL RECORD of December 21, 1970, on page H12249, under the adjournment proceedings I am misquoted as Speaker pro tempore. I ask unanimous consent that the permanent RECORD be corrected to read as follows:

"The SPEAKER pro tempore (Mr. MATSUNAGA). As many as are in favor of the request of the gentleman from Iowa will rise and remain standing until counted. The Chair will count. An insufficient number have arisen and the yeas and nays are not ordered. The question is on the motion of the gentleman from North Carolina."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.



Public Law 91-670
91st Congress, S. 1181
January 11, 1971

An Act

84 STAT. 2040

To provide authority for promotion programs for milk, tomatoes, and potatoes, and to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Agricultural
Adjustment Act,
amendments.

TITLE I—ADVERTISING PROJECTS: MILK

SEC. 101. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I) :

“(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research is required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers’ cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16) (B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order. Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order.”

48 Stat. 31.
7 USC 601
note.
50 Stat. 246.
49 Stat. 753;
79 Stat. 1187.
7 USC 608c.

49 Stat. 760.

TITLE II—TOMATO ADVERTISING PROJECTS

68 Stat. 906;
Ante, p. 687.
7 USC 608c.
50 Stat. 246.

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or apples" in the first proviso, and inserting in lieu thereof "apples, or tomatoes".

TITLE III—POTATO RESEARCH AND PROMOTION

Citation of
title.

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 302. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of \$561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 303. As used in this title:

- (a) The term "Secretary" means the Secretary of Agriculture.
- (b) The term "person" means any individual, partnership, corporation, association, or other entity.
- (c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.
- (d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.
- (e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.
- (f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable

image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 304. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 305. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 306. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 307. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 308. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

National
Potato
Promotion
Board,
establishment.

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In

Membership.

the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

Expenses.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

Budget.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

Costs,
assessment
rate.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

Restrictions.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board, as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a) (4) of this section.

Assessment,
refund.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising, or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

Contract
authority.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

Recordkeeping.
Audit report.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 309. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further,* That such promotional activities shall comply with the provisions of section 308(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising, and promotion in years when the production and assessment income may be reduced: *Provided,* That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 310. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize differences in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

Recordkeeping.

(b) Handlers responsible for payment of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the

Records, etc.,
availability.
Reports.

plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

Confidential
information.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Penalty.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

Hearing
opportunity.

SEC. 311. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

Jurisdiction.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 312(a) of this title.

ENFORCEMENT

SEC. 312. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any

assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than \$100 nor more than \$1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 313. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

Penalty.

Hearings,
jurisdiction.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpoena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Self-incrimination,
privilege.

REQUIREMENT OF REFERENDUM

SEC. 314. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by

Penalty.

producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 310(c) above.

SUSPENSION OR TERMINATION OF PLANS

Referendum.

SEC. 315. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 316. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 317. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 318. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 319. This title shall take effect upon enactment.

TITLE IV—RESTRICTIONS ON IMPORTED COMMODITIES

SEC. 401. Section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between "tomatoes" and "avocados," the following: "raisins, olives (other than Spanish-style green olives), prunes". 75 Stat. 305. 7 USC 608e-1.

Approved January 11, 1971.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-1480 accompanying H.R. 18884 (Comm. on Agriculture) and No. 91-1790 (Comm. of Conference).

SENATE REPORTS: Nos. 91-416 and 91-1400 accompanying S. 4560 (Comm. on Agriculture and Forestry).

CONGRESSIONAL RECORD:

Vol. 115 (1969): Oct. 16, 20, considered and passed Senate.

Vol. 116 (1970): Nov. 30, considered and passed House, amended.

Dec. 11, Senate concurred in House amendment with an amendment.

Dec. 22, Senate agreed to conference report.

Dec. 29, House agreed to conference report.

